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**THE CONVOCATIONS
OF THE TWO PROVINCES.**

THE
CONVOCATIONS
OF THE TWO PROVINCES,
THEIR ORIGIN, CONSTITUTION,
AND
FORMS OF PROCEEDING;
WITH A CHAPTER ON THEIR REVIVAL.

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TO THE REVEREND
THE CLERGY OF THE ARCHDEACONRY OF YORK.

Reverend and dear Sirs,

I beg your acceptance in these pages of the best exertion I can make, for the advancement of your service in the ancient and honourable trust to which you have elected me. To hold an office without honestly endeavouring to discharge its legitimate functions, seems to me inconsistent with Christian principle; to seek it with the view of suppressing or impeding its action, is surely immoral.

To us indeed the duties of a Proctor in Convocation have become as difficult to understand as to perform. The official guardians of our Provincial Synods esteem it a paramount duty to protect their long slumbers from intrusion; and the books from which alone information can be gleaned, are at once costly and unsatisfactory. The writings of Atterbury, Kennet, and Wake, are disfigured by a party and personal rancour, which the genius of the first fails to enliven, and the tediousness of the last renders absolutely repulsive. The *Synodus Anglicana*, uniting candour with learning, is hardly more frequently met with than its author's valuable folios, or the *Concilia* themselves.

Of modern publications, though the press teems with pamphlets for and against the revival of our Convocations, I know of none which explains their existing

constitution and functions; yet without a clear knowledge of these, no mere opinion can be entitled to much authority.

In the endeavour to supply a want which I keenly experienced at my first election to the Synod of this Province, I became more and more dissatisfied with the statements which have passed from hand to hand, apparently without examination, concerning the ORIGIN of Convocation.

That the Church of the thirteenth century, whose Bishops and Clergy supplied the chief offices in the state, should accept a Synodal Constitution from a mere soldier like Edward I., always seemed to me incredible. I am now persuaded that the parliamentary system which has procured for that "victorious Prince," the title of the ENGLISH JUSTINIAN, was itself derived out of the constitution of the Church—the parent of liberty as of learning among rude and conquered nations.

On this account more pains than some may deem necessary, have been bestowed, in showing that the present form of our Provincial Synods was anterior to that King's endeavour to bring the Clergy to Parliament: and that the *præmunientes* writ had reference entirely to that design, and neither suggested nor remodelled the representative element in the Ecclesiastical Convocation.

A similar motive has occasioned a chapter to be devoted to the consideration of the ROYAL LICENSE, which being really necessary, in order to treat of *Canons*, has in the same hasty unreasoning manner been represented as the indispensable preliminary to *all* Convocational action.

It must be obvious, however, that the origin of an institution, which is an admitted portion of the British Constitution, cannot very largely affect its present action, and I would expressly disclaim any wish for Convocation to proceed without the full countenance of the Crown.

This little work will be found to contain a more extended and authentic account of the Convocation of York than I know of elsewhere. The common mistakes regarding its constitution and forms of proceeding, especially as to its supposed meeting in one house, are here corrected from the records themselves (now very difficult to decipher); and it will be seen that this Convocation is in all respects similar to that of Canterbury.

As a member of the Lower House, and one who values *unity* above "comprehension," I have been desirous to remove some of the reproach which time-serving authors have cast upon the Clergy, for their opposition to the episcopal innovators of the Revolutionary Period. A just perception of the questions which occasioned those dissensions, will at once dispel the visionary alarm that anticipates their recurrence from a revival of Convocation in our own day.

Upon this momentous question, and especially upon the important element of a *new representation of the laity*, the remarks which I have hazarded are designed to preserve the moderate and practical tone aimed at throughout. Men's minds have been so recently directed to this great reconstruction of our Synodal Institutions, that any immediate action upon it can hardly be desired.

One deeply interesting function of our revived Convocations would be, to ventilate and bring to maturity some scheme for the more efficient representation of the laity, at the same time that they proceeded according to their existing powers to reform the abuses pertaining to the Ecclesiastical orders.

My own anxiety is chiefly this: that we should discern *in time* the real nature of the crisis through which the Church is now passing. The activity displayed in good works; the reform of some evils, and the schemes suggested for removing others, must not lead us to think that all is well with her. The dissensions which continually reach the public ear; the new questions constantly arising, and the difficulty with which any of them are decided, are symptoms of a disease by which many of us are sore let and hindered in our daily labours. *The Church is disorganized within herself.* Her Metropolitans—her Bishops—her Cathedral chapters—her Parochial Clergy—her parishioners—none of them occupy their proper relations with the rest. No external legislation can reach this evil, which after all remains untouched, probably unknown to our political reformers. Its remedy lies in the Church's own consciousness of membership with CHRIST, and with one another. Bishops, Clergy, and Laity, must learn to feel and work together as One Body, animated by the One Spirit of their glorified HEAD; or so far from offering a rallying point to the rising Churches which now look to us from beyond the seas, we shall not long retain our position at home.

That the restoration of her representative and deliberative institutions would go far to develop and enlarge this vital consciousness among the members of our Church, is the conviction not of myself only, but of other more competent observers. That it *might* only give expression to discord, and stereotype an irreconcilable division, is of course a possible alternative. But they who dread it should remember, that upon their hypothesis the dissolution, which only is of importance, has already taken place. When the vital spark has fled, the *corpse* of an Establishment will, in spite of sorrowing friends and dependents, give notice of the necessity for its removal.

I have the honour to be,

Reverend and dear Sirs,

Your most faithful Servant and Brother,

GEORGE TREVOR.

Sheffield,
Oct. 26, 1852.

PRINCIPAL AUTHORITIES CITED
IN THIS WORK.

The Rights, Powers, and Privileges of an English Convocation stated and vindicated, in answer to a late book of Dr. Wake's, entitled *the Authority of Christian Princes over their Ecclesiastical Synods asserted*, &c., and to several other pieces. By FRANCIS ATTERBURY, Preacher of the Rolls, and Chaplain in Ordinary to his Majesty. 8vo. London, 1701.

Ecclesiastical Synods and Parliamentary Convocations in the Church of England, historically stated, and justly vindicated from the misrepresentations of Mr. Atterbury. By WHITE KENNET, D.D. 8vo. London, 1701.

A History of English Councils and Convocations, and of the Clergy's sitting in Parliament, in which is also comprehended the History of Parliaments, with an Account of our Ancient Laws. By HUMPHRY HODY, D.D., Chaplain to his Grace Thomas, Lord Archbishop of Canterbury, and Regius Professor of the Greek Tongue in the University of Oxford. 8vo. London, 1701.

Synodus Anglicana, [By BISHOP GIBSON.] London, 1702.

The State of the Church and Clergy of England in their Councils, Synods, Convocations, Conventions, and other public assemblies, historically deduced from the Conversion of the Saxons to the present times. With a large Appendix of original Writs and other Instruments. By WILLIAM WAKE, D.D., Dean of Exeter, and Chaplain in Ordinary to her Majesty. Folio. London, 1703.

A Collection of Ecclesiastical Laws, Canons, &c., by J. Johnson, M.A., Vicar of Cranbrook. 2 Vols., 8vo, London, 1720.

Concilia Magnæ Britanniae et Hiberniae. (Wilkins.) 4 vols. Fo. London, 1737.

Documentary Annals of the Reformed Church of England, being a Collection of Injunctions, Declarations, Orders, Articles of Inquiry, &c., from the year 1546 to the year 1716. With Notes, Historical and Explanatory. By EDWARD CARDWELL, D.D., Principal of St. Alban's Hall. 2 Vols. Oxford University Press, 1839.

A History of Conferences, and other Proceedings, connected with the Revision of the Common Prayer, from the year 1558, to the year 1690. By EDWARD CARDWELL, D.D., Principal of St. Alban's Hall. 2nd Edition. Oxford University Press, 1841.

Synodalia. A Collection of Articles of Religion, Canons, and Proceedings of Convocations in the Province of Canterbury, from the year 1547, to the year 1717. With Notes, Historical and Explanatory. By EDWARD CARDWELL, D.D., Principal of St. Alban's Hall. In 2 Vols. Oxford University Press, 1842.

Origines Britannicæ. Rev. T. P. PANTIN's Edition. Oxford University Press, 1842.

The Law relating to Convocations of the Clergy; with Forms of Proceeding in the provinces of Canterbury and York, &c., &c. By Robert R. Pearce, Esq., of Gray's Inn, Barrister at Law, 1848.

The Acts of the Convocation of York have been searched by the Author, through the kind permission of Egerton Harcourt, Esq., the Registrar of the Province, and his experienced Deputy, Mr. Alderman Buckle. He desires to acknowledge, with sincere thanks, the invaluable assistance of SHEPLEY WATSON, Esq., Solicitor, of York, in deciphering the more illegible portions of these Records. Some information has also been kindly afforded by J. H. Dyke, Esq., the Deputy Registrar of the Province of Canterbury.

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THE CONVOCATIONS

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CHAPTER I.

OF THE AUTHORITY OF CONVOCATION.

The Provincial Convocations.—National Synod.—Church of England by representation.—Legal Authority.—Wake's distinction between Convocations and Councils.—Subsidies.—King's Letters.—Lower Clergy.—Convocations true Provincial Synods.—Wake's opinion of their necessity.—Modern objections.

THE Convocations or Provincial Synods of the two provinces of Canterbury and York, are the ancient ecclesiastical Councils of the Archbishops, incorporated into our mixed Constitution of Church and State, and so endued with certain parliamentary privileges and restraints.

The whole Church of England being contained within these provinces, the union of the two Convocations constitutes the *Concilium Regionale*, or National Synod. Thus when, previously to the Reformation, National Synods were convened by the

Pope's legate, the regular course was for each archbishop to assemble his Provincial Synod in the first instance before himself, and then carry it into the presence of the legate. Since the Reformation, matters of national concern have been usually concluded first in the larger Convocation of Canterbury, and transmitted afterwards to York for concurrence. The two Convocations have also consulted together by means of a delegation; the bishops and some of the clergy of York sitting and deliberating in the two houses of the southern province, and after so coming to an agreement in common, the subscriptions or decrees were made in their separate provincial capacity.¹

Of the National Synod, thus constituted by the concurrent action of the two Provincial Convocations, the 139th canon decrees as follows:—

“Whosoever shall hereafter affirm that the sacred Synod of this nation, in the name of Christ and by the King's authority assembled, is not the true Church of England by representation, let him be excommunicated, and not restored until he repent and publicly revoke that his wicked error.”²

The 140th Canon inflicts the same penalty upon any

“who shall affirm that no manner of person, either of the

¹ State of the Church, &c., Appx., No. clviii. Wilkins. Conc. iv. 568.

² Some have doubted whether the National Synod intended by the canon be not another kind of Council; but no other Synods, except the Provincial Convocations, were ever assembled in this nation “in the name of Christ, and by the King's authority.” From these the canon itself and all other laws ecclesiastical of this country received their authority; and it is obvious that constitutions which are separately binding upon the two parts of the Church, must in concurrence be binding upon the whole. So the 139th canon is explained by Bishop Gibson (*Codex*, 931) and by Bishop Stillingfleet (*Unreasonableness of Separation*, part 3). See also the language of the 141st canon, obviously referring to the Convocation, as “the sacred Synod assembled as aforesaid.”

Clergy or Laity, not being themselves particularly assembled in the said sacred Synod, are to be subject to the decrees thereof, in causes ecclesiastical (made and ratified by the King's Majesty's supreme authority), as not having given their voices unto them."

Nevertheless, Sir Edward Coke lays it down that Convocation can only bind the *spirituality*,³ and it is now the settled law of our courts, that the laity, and even the purely temporal matters of the clergy, can not be bound but by Act of Parliament.⁴ Still the Decrees of Convocation, being the voice of the Church representative, must have their proper authority over churchmen *in foro conscientie*.

Our Provincial Synods are commonly known to the English law by the name of *Convocations*. Sir Edward Coke calls them the *Court of Convocation*,⁵ and says "a Convocation may make constitutions by which those of the spirituality shall be bound, for this, that they *all* or by representation or in person are present, but not the temporality."⁶ The celebrated preamble to the Act for the Restraint of Appeals,⁷ asserts the realm of England to be

³ Co. xii. 72.

⁴ See Lord Hardwicke's celebrated Judgment in *Middleton et uxor, v. Croft* (Strange's Reports, 1056). It was resolved by the House of Commons, in the long parliament, 15th December, 1640,—That "the clergy of England convened in any Convocation or Synod, or otherwise, have no power to make any constitution canons or acts whatsoever, in matter of doctrine discipline or otherwise, to bind the clergy or laity of the land, without common consent of Parliament;" and upon this a second resolution was passed that the Canons of 1640 (which were passed when Parliament was not sitting), "do not bind the clergy or laity of this land, or either of them." It was further resolved that the said Canons "contained matter contrary to the royal prerogative, and the laws and statutes of the realm." This last fault was always admitted to invalidate the acts of Convocation; but in the first resolution the House was not sustained by the law or practice of the realm.

⁵ 4 Inst. 322. ⁶ 2 Hen. vi. c. 13. Co. xii. 73. ⁷ 24 Hen. viii. c. xii.

“an empire governed by one Supreme Head and King, having the dignity and royal estate of the Imperial crown of the same, unto whom a body politick compact of all sorts and degrees of people, divided in terms and by names of spirituality and temporality, been bounden and owen to bear next to God a natural and humble obedience. . . . The body spiritual whereof having power when any cause of the Law Divine happened to come in question, or of spiritual learning; that it was declared interpreted, and showed by that part of the said body politick called the spirituality, now being usually called the English Church. . . . And the law temporal for trial of property of lands and goods, and for the conservation of the people of this realm in unity and peace, without rapine or spoil, was and yet is administered adjudged and executed by sundry judges and ministers of the other part of the said body politick called the temporality; and both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other.”

The Act 25 Henry viii. c. 19., also has these words in its preamble, “Forasmuch as your majesty is Supreme Head of the Church of England, as the prelates and clergy of your realm *representing the said Church* in the Synods and Convocations have recognized.”

In conformity with the same view the Declaration of King Charles I., prefixed to the thirty-nine Articles of Religion, provides as follows:—

“That if any difference arise about the external policy, concerning the Injunctions, Canons, and other Constitutions whatsoever thereto belonging, the Clergy in their Convocation is to order and settle them, having first obtained leave under our Broad Seal so to do, and we approving their said ordinances and constitutions, providing that none be made contrary to the laws and customs of the land.” And further, “That out of our princely care that the Churchmen may do the work which is proper unto them, the Bishops and Clergy from time to time in Convocation, upon their humble desire, shall have license under our Broad Seal, to deliberate of, and to do all such things as being made plain by them, and assented unto by us, shall concern the settled continuance of the Doc-

trine and Discipline of the Church of England now established."

Notwithstanding these authorities, some have endeavoured to distinguish between the ancient ecclesiastical *Councils* or *Synods*, and the *Convocations* known to our law. The latter they imagine to be a different kind of assembly, having its origin in purposes of State and not in the constitution of the Church.

Archbishop Wake assigns the beginning of such Convocations to the reign of Edward I., and lays down five points by which they are to be distinguished from the earlier ecclesiastical Councils.* To each of these

* State of the Church and Clergy of England, p. 25-30. Wake's distinctions are as follows:—

I. That "the Convocation is in the intention of the law a National Convention of the whole Clergy in two Provincial Convocations, whereas the proper Ecclesiastical Synod was purely a Provincial Council, was summoned by one archbishop without any relation to the Synod of the other, and has often been held in one province when none has been either called or assembled in the other." Yet when distinguishing between the Convention of the Clergy under the *Premunientes* Writ, and their Provincial Convocations, he says, "these latter are not National but Provincial; they consist of the clergy of but one of the two Provinces, and their ordinances and constitutions reach no farther than the bounds of that province for which they act." (p. 20.) His book is full of instances in which the Convocations have been called independently of each other.

II. That *Convocation* "was wont to be generally called by order of the King's Writ, whereas the other was assembled by the sole ecclesiastical authority of the Metropolitan of each province." Yet he proceeds in his usual self-contradictory manner; "There are I know some instances *late upon record* in which the Convocation seems to have been summoned by the archbishop alone, without any authority of the King's Writ, as 'tis confessed at first they commonly were." So with respect to the Council, "the king (he allows) might sometimes approve of or advise the calling of it; but I believe it will be hard to find any one instance, wherein he required the Archbishop *by any Royal Writ* to assemble such a council." (p. 27.) Yet it is certain that William the Conqueror, and other kings also, did require the assembly of the Synod,

distinctions, however, Wake himself is obliged to admit of considerable exceptions, and they cannot be estab-

when composed only of bishops and abbots, and for a purely spiritual purpose; *ex. gr.*, the deposition of Archbishop Stigand, A.D. 1070. No such distinction in short, is to be found in the controversies of old. The point insisted upon by the clergy was that *they* should not be convened by the King's Writ, nor to his court. They made no objection to his requiring the archbishop to convene them by his own mandate to appear before himself in a canonical way.

III. That "Convocation was originally designed for civil purposes, the Council was principally held for the spiritual needs and affairs of the Church." Here the words "originally," and "principally," are put in to cover the numerous exceptions that would be advanced to the pretended Rule. The fallacy of this distinction is shown in the text; and it is conclusive that while several instances can be adduced in which it has not been observed, there is no instance of any (so called) "Convocation" declining to pass a canon, or a "Council" refusing a subsidy on the ground here imagined.

IV. That "the Convocation being intended to meddle with the property of the clergy, and to charge the revenues of the Church, it was necessary that all who were to bear a part in the subsidy, should also give their consent to it. The whole body of the clergy were, therefore, to be called to this assembly, either in person or by representation. . . . But in the Provincial Council the case was very different. Here the Bishops only were of necessity to be summoned. The government of the Church was by Divine authority committed to them," &c. Here again the qualifying words "*of necessity* to be summoned," open a wide passage to escape from an assertion, which cannot be proved from the facts of any Council that ever sat in England. Whatever theory may be held of the necessity or propriety of the thing, history affords small countenance to this distinction as a matter of fact.

V. That "the Convocation being designed for State ends was accordingly summoned, for the most part, with some respect to a parliament, . . . whereas the Ecclesiastical Council had no manner of respect to it, nor (unless for the convenience of the Bishops of the Province in which the Parliament met, and that but very seldom) was it at all assembled with it." This argument, whatever its value, would have come better from Wake's opponent Dr. Atterbury; in answer to whose assertion to the same effect, Wake has several chapters to prove that there is *no* such dependence between the meetings of Convocation and of Parliament; and he subjoins a voluminous table to prove that before the Reformation, "not above one Parliament in thirty had the two Provincial Convocations concurrent with it!" (p. 400.)

lished from the synodical records, which are our best authorities.

The two points principally insisted upon by these writers are, the calling of Convocation by the king's writ, and the admission of the lower clergy as constituent members. It is said that the proper Provincial Synod was called by the archbishop alone, without authority from the Crown, and consisted of none but the bishops, "because that to them only the government of the Church was committed by Divine authority."⁹ Hence it is concluded that the proper business of Convocation was to impose taxes on ecclesiastical property, which is alleged to be a secular and civil concern, while the Council only could make *canons* for the faith and discipline of the Church.

In respect to the last assertion, however, Wake informs us that the subsidies of the clergy are not to be considered as secular matters, but spiritual ones as "long as they continue under the debates of the Convocation, and are not passed by them into lay hands."¹⁰ He admits also that in process of time "a confusion ensued," and "the proper business of both assemblies was transacted in either."¹¹ The Convocations made canons and the Councils granted subsidies, and all distinction had entirely disappeared long before the Reformation. To which may be added that the Acts of the earlier assemblies at no time show that they were themselves conscious of any such partition of functions.

In regard to the Royal Writ, it is certain that ever since the Conquest, if not before, our kings have exercised the power of requiring the archbishops to

⁹ State, &c., p. 28.

¹⁰ State, &c., p. 20.

¹¹ State, &c., p. 4.

assemble their Provincial Councils. Bishop Gibson says, that

“Nothing appears in the manner of an English Convocation but what is truly ecclesiastical. For as to the Archbishop exercising his summoning authority at the command of the King, this is so far from changing our Convocations into Civil Meetings, that it is no more than an obedience which has been ever paid to Christian princes, by the Governors of National Churches, planted and established under their influence and protection.”¹²

It may be further observed, that King's Letters were occasionally sent to the bishops to convene their Diocesan Synods, in which the clergy used to treat of aids to the Crown; but neither those writs, nor their object, have ever been thought to alter the spiritual character of such assemblies.

With respect to the admission of the lower clergy, it may be questioned whether Provincial Synods were ever in any part of the world limited to bishops. The earliest accounts we have represent them as attended by many priests, and even deacons; and though it may be true that the bishops possessed the power of *decreeing*, it is certain that the priests had a right of *advising*, which would necessarily become more influential as their order increased in numbers, intelligence, and responsibility. In this country the greater abbots, though not of the episcopal degree, have sat in council with the bishops, from the time of the Saxons; and it can be shown that the present constitution of our Convocations is older than the measures imputed to Edward I.; having arisen from the Church's own sense of the necessity for extending the basis of her legislative Institutions.

¹² Syn. Angl. p. 19.

Our Convocations then at this day are true provincial synods of Bishops under their Metropolitan, aided and sustained by a graduated representation of the Priestly Order, and assembled at the bidding of the Prince. As such they have acquired some political powers to which the bishops alone could never lay claim; but the original character of an ecclesiastical Council is so far from being destroyed, that it is enlarged and perfected by this development.

That such is the *present* character of the Convocations Wake himself is far from denying. He confesses that all the distinctions he would trace in their origin disappeared by the reign of Henry VI.; from which time—a period including the important events of the Reformation—no other ecclesiastical Councils have been known in this country.

Further; though a court chaplain and the zealous assertor of the authority of the Prince, Wake has no doubt of its being “the duty as well as the wisdom of a christian king,” to consult Convocation in the exercise of his royal supremacy. (p. 85.) He even declares that

“should it so fall out (as yet it is to be hoped it shall not in a Christian kingdom) that the Prince should neglect his duty in this particular, and so not give his Clergy the opportunity of meeting and acting when it would be of real benefit to the Church that they should assemble and provide for the estate of it; in that case I conceive it would be the duty of those who are the Fathers and Governours of it to apply to him for his permission to come together; to remonstrate with humility, but yet with a Christian freedom too, the necessities of the Church, the evils that are to be remedied, and the reason they have to hope that by their assembling they may provide some remedy for them: and to press him in THE NAME OF GOD, and in pursuance of that *trust* which the Publick has reposed in him, to give a favourable answer to their requests.”

He continues :—

“Should we ever be so unhappy under a christian magistrate as to be denied all liberty of these assemblies, though the governors and fathers of the Church should, with all their care and interest, endeavour to obtain it ; should he so far abuse his prerogative as to turn it not only to the detriment, but to the ruin of all true religion and morality among us ; and thereby make it absolutely necessary for something extraordinary to be done to preserve both : in such a case of extremity, I have before said, and I still adhere to it, that the bishops and pastors of the Church must resolve to *hazard all* in the discharge of their DUTY. They must MEET, consult, and resolve on such measures as, by God’s assistance, they shall think their unhappy circumstances to require ; and be content to suffer any loss, or to run any danger, for their so doing. For then the prince would only have the name of a christian, but would act like an *infidel* ; and so having thrown off the care and protection of the Church it would naturally return to the bishops and pastors to whom CHRIST committed it, to take upon themselves the care and protection of it. These are the principles which I formerly laid down. To these I still adhere, and as immoderately as some may pretend I set up the prince’s authority, yet I hope by GOD’S grace should things come to such a pass, I should act as firmly in defence of my religion and the Church, by these principles, as any of those who now talk with so much bitterness against me.” (p. 86.)

A different way of speaking has come into fashion since the history and practice of Convocation ceased to be familiar with our divines. The alleged secular origin, and even the constitution, of the two Convocations (though upon opposite grounds from that of Wake), are now declaimed against as reasons for denying them both authority and existence. The language of revolution is opposed to that of reform ; it seems to be hoped that, terrified by the prospect of “a great organic change,” the Church will permit herself to sink into the position of “a mere machine, or passive instrument of the higher will” of the state.¹³

¹³ “So long as we consider the subject in the abstract, and confine our-

Such arguments cannot be fully met without investigating the history on which they rely. To the practical genius of this nation, indeed, the *origin* of institutions, which have obtained a fixed place in the constitution of the country, seems a matter for antiquarian rather than political research. Our statesmen do not fetch their precedents out of the primitive rights of men, nor limit the powers of Parliament by the acts of the Wittenagemote, and the policy of the Plantagenets.

selves to the general notion of a representative deliberative assembly, the wish that has been expressed for the revival of such assemblies in the Church seems both natural and reasonable, and it is one from which I cannot withhold my sympathy. The power of deliberating on its own affairs seems inseparable from the very notion of a corporate body, which is not a mere machine or passive instrument of a higher will, and therefore most especially to belong of right to a Christian Church.

“But this theoretical view of the subject, however indisputably just, is totally foreign to the practical question which has been actually raised, as to the revival of the dormant powers of Convocation. No Convocation, hitherto known to our Church, has the slightest claim to the character of a National Synod, or of an assembly representing even the English Branch of the Anglican Communion. This is manifest, not only from the history of our Convocations, which shows that they were originally convened for the purely secular purpose of imposing taxes on ecclesiastical property, but from their constitution. They not only do not represent the Church in either of the two English provinces, but they could no longer be allowed, for any practical purposes, to represent the Clergy. It is clear that before they could be qualified to exercise *any* powers, affecting either the general interests of the Church, or the rights of any of her members, they must undergo a great organic change, and be recast in an entirely new form. An assembly convened for such a purpose, whether under the name of a Convocation, or any other, would, in fact, be nothing more or less than an Ecclesiastical Convention, charged with the task of modelling the future constitution of the Church. But if this is the case, can it be just to reproach any Government, I will not say with hostile feelings towards the Church, but with a want of due regard for her welfare, because it declines the responsibility of trying, or of sanctioning, such an experiment?”—*Charge of the Bishop of St. David's*, 1851.

It might be enough therefore, that the Convocations have existed in their present form, at least as long as the House of Commons, and possess an equally definite office in our constitutional union of Church and State. But since their origin is now, after nearly six centuries of use, summarily objected against their ecclesiastical authority, it may be well to ascertain the true state of the facts upon which the objection relies.

CHAPTER II.

OF CONVOCAION BEFORE EDWARD THE FIRST.

CHRIST and His Apostles.—Primitive Church.—Ancient Canons.—Theodore.—Egbert's Excerpta.—Cuthbert.—Canons of Calcuith.—Athelard.—National Synod.—Mixed Councils of the Saxons.—William the Conqueror.—Separation of the two jurisdictions.—Councils of Winchester and Windsor.—Lanfranc's Synods.—Anselm.—Convocation in 1125.—Legantine power.—Stephen to Henry III.—Otho.—Rustandus.—Boniface.—Procuratorial Letters.—Procurators.—Council of Reading.—Clergy in Synod.—Arles.—Constantinople.—Rome.—Sens.

THE kingdom which Our Blessed Saviour bestowed on His Apostles was a constitutional, not an absolute, monarchy. It embodied, by the express sanction of CHRIST,¹ that principle of human nature, which ever appeals from the extravagances of the individual to the common sense of the body. In obedience to Our Lord's decree, and the example of His Apostles, the primitive bishops were accustomed to assemble themselves and their fellow ministers together, upon every matter which could not be settled by the local executive.² Bishops consulted with their clergy in the Synod of the Diocese, and Metropolitans with their comprovincial bishops, in that of the Province. Regulations for the more frequent celebration of both descriptions of Synods are to be found in every

¹ Matt. xviii. 17.

² Acts, xv. 2 ; xxi. 18. "Majoris rei quum incideret aliquid, consultabat cum presbyteris episcopus, quid factu opus esset ; postea in concione quæ meliora collegio visa erant explicabat ; populi judicium expectans, ex cujus sententiâ cuncta geri fas erat."—*Moshem. de rebus ante Const., Sæc. prim. s. xlv.*

Ecclesiastical Code, from the Apostolical Canons down to the *Reformatio Legum Ecclesiasticarum*, compiled by our own Reformers in the sixteenth Century.

The 5th canon of the Council of Nice (A. D. 325), which according to Stillingfleet was attended by bishops from Britain, directs that provincial synods be assembled by the Metropolitans twice every year; the first just before Lent, "in order that every mote of offence being taken away, a pure offering may be presented to GOD;" and the other in the fall of the year. The same direction is given in the 30th Apostolical canon, and in the 19th canon of the Council of Chalcedon; and the 38th of the rules promulgated by Clement of Rome is, "*Bis in anno episcoporum Concilia celebrentur.*"³ The 18th canon of the African Code, which was of great authority in the old English churches, requires but one Council yearly; which may be understood of a National synod, or union of more provinces than one.⁴

The sanction of these ancient canons was frequently appealed to in the mandates of our archbishops for convening their synods. And there can be little doubt that such assemblies, except when interrupted by revolution and violence, have been held in this country at least once in the year, from the first settlement of the Church amongst us. The metropolitan authority existed here from the earliest times. The Council of Arles (A. D. 314) was attended by three British prelates, who were probably Metropolitans.⁵ A Metropolitan at Caerleon was yet existing, with seven suf-

³ Bib. Jur. Can. Vet.

⁴ Johnson's *Vade Mecum*, ii. 176.

⁵ "Eborius, Bishop of York, Restitutus Bishop of London, and Adelfius de civitate colonia Londinensium;" thought to be Colchester by Usher; but see *Stillingfleet, Orig. Brit.*, p. 75.

fragan bishops, and "many learned men" of the monastic order, at the arrival of Augustine, A. D. 596.⁶ The arrangement then contemplated by Gregory, was to divide the whole island into two provinces—Canterbury and York—having twelve suffragan bishops in each. This arrangement failed to take full effect, partly in consequence of the unsettled condition of the north, and partly from the ambition of the occupants of the southern throne. Pope Honorius I. (A. D. 634) granted to his namesake, the then Archbishop of Canterbury, the primacy of all England, with jurisdiction over all its dioceses and parishes; and this decree was renewed by Gregory II. (A. D. 730)⁷

In this capacity Theodore, Archbishop of Canterbury, held Councils at Herudford or Hartford, A. D. 673, and at Bishop's Hatfield A. D. 680. The former of these is described as "a Council of bishops and of many masters of the Church, who loved and knew the canonical statutes of the Fathers;" or, as Johnson says, "probably abbots, priors, and rectors of lesser Churches, that were skilled in the canons." The Acts of this Council begin, "In the name of our Lord God and Saviour Jesus Christ, in the perpetual reign and government of our said Lord; it seemed good that we should come together, according to the prescription of the venerable canons, to treat of the necessary affairs of the Church," &c. The 7th canon runs thus: "that a Synod be assembled twice in the year; but because many occasions may hinder this, it was jointly agreed by all, that once in the year it be assembled, viz., on the kalends of August, at the place called Cloves-hoo,"⁸ (supposed to be Abingdon or Cliff).

⁶ Orig. Brit. 356.

⁷ Wilkins, Con. i. 81.

⁸ Johnson's "Ecclesiastical Laws," vol. i. Wilkins, i. 40.

Egbert, brother to the king of Northumbria, recovered the metropolitan authority at York A. D. 734, and published a collection of canons to be observed in that province under the title of *Excerpta*, collected out of the sayings and canons of the holy Fathers. The *Excerpta* of Egbert himself appear to have been twenty-one in number, which, together with his "Dialogue of Ecclesiastical Institutions," were to be "uniformly kept in the sees which owed him obedience," though it does not appear that they were promulgated in a formal Synod. This code was enlarged by succeeding Archbishops to 162 items,⁹ taken from the Apostolical, Nicene, African, and other Canons.

A synod of the southern province held under Archbishop Cuthbert, at Cloves-hoo (A.D. 747), was attended by the king of the Mercians, with his princes and dukes, but the constituent members are described as "the Prelates of the Sacred Order, with many Priests of the Lord, and those of the ecclesiastical order in lesser Dignities, who met the venerable Archbishop Cuthbert at the place of synod, and sat down to treat of and settle the unity of the Church and the state of Christianity, and a peaceable agreement."

It was determined in the 25th Head :

"That bishops coming from synods, assembling the priests, abbots, and chiefs of monasteries and Churches within their parish (diocese), and laying before them the injunctions of the synod, should give it in charge that they be kept. And if there be any thing which a bishop cannot reform in his own diocese let him lay it before the archbishop in Synod, and publicly before all, in order to its being reformed."¹⁰

In 785, Pope Adrian having sent his legates into England, the Provincial Synods were assembled both

⁹ Johnson's Eccl. Laws, vol. i. Wilkins, i. 101.

¹⁰ Eccl. Laws, vol. i. Wilk. i. 94.

in York and Canterbury to adopt and subscribe the Canons of Calcuith. In the northern council "the king of the nation beyond Humber" signed before the legate and the Archbishop of York, but in the other the Archbishop of Canterbury's name has precedence of the king of the Mercians.¹¹

About this time a third province was set up by King Offa, with the sanction of Pope Adrian, under the see of Lichfield, consisting of that diocese, together with Worcester, Leicester, Sidnacheater, Hereford, Helmam, and Thetford. But this was reversed under Pope Leo, and the primacy of Canterbury restored to its integrity. This decision was formally promulgated in a Synod of the bishops and abbots of that province, under Archbishop Athelard, at Cloves-hoo A.D. 803. Johnson says the Archbishop of York also made profession of obedience to this archbishop A.D. 796. Hence a National Synod was assembled in 816, in which the bishops of the Mercians, "and moreover the bishop of Lindisfarne," are joined with "the southern bishops of the English," under the presidency of the Archbishop of Canterbury. In this council the king of the Mercians was present with his princes, dukes, and grandees, while "the presidents of the sacred order were treating with the abbots, priests, and deacons, concerning what was necessary and useful for the Churches."¹² The order was here renewed that the bishops should carry with them from the synod a copy of the decrees agreed upon, to be by them promulgated and enforced in their Diocesan Synods and visitations.

These instances sufficiently declare the nature of

¹¹ Johnson's Ecclesiastical Laws, i. Wilk. i. 145.

¹² Eccl. Laws, vol. i. Wilk. i. 169.

Provincial Synods in the earliest times of our Church. After this the invasions of the Danes interrupted all order, and occasioned many sees to be without bishops for years together.

In the succeeding periods, both before and after the Conquest, there is much difficulty in distinguishing between Ecclesiastical Councils and the State Assemblies, which the Saxons termed Wittenagemotes, and the Normans Parliaments.¹³ The names *Concilium* and *Synodus* are applied to both;¹⁴ and they are not to be distinguished by the persons attending, since the bishops and clergy were summoned to the councils of the prince, and the latter with his great men often attended the church synods, to accept and enforce their decrees. Spiritual and temporal affairs were thus discussed in the same assembly, and laws enacted by the joint authority of Church and State. Bishop Kennet, however, maintains that the two authorities were exercised independently, though unitedly.

"By collating the history of all our Saxon Councils it is easy to discover that if the subjects of any laws were for the outward peace and temporal government of the Church, such laws were properly ordained by the king, and his Great Council of clergy and laity intermixed, as our Acts of Parliament are still made. But if there was any doctrine to be tried, or any exercise of pure discipline to be reformed, then the clergy of the Great Council departed into a separate Synod, and there being the same men in a different and sole capacity, they acted as proper judges within the power of the keys. Only when they had thus provided for the state of religion they brought their canons from the Synod back again to the Council to be ratified by the king, with advice

¹³ Hody, 14.

¹⁴ "Before about the middle of Henry III., the usual words (for a Parliament) were *Conventus*, *Placitum*, *Concilium*, *Synodus*, or *Colloquium*."—*Hody*, 125.

of his great men, and so wisely made the Constitutions of the Church to be laws of the realm."¹⁵

The close connexion of the Saxon Church with the State was always distasteful to the See of Rome, which frequently reprehended the English practice of the bishop or archdeacon sitting with the alderman in the Court of the Hundred. This practice was abolished by the Conqueror, under whom the clergy began to act more apart from the temporality. He took care, nevertheless, to retain his own authority, by erecting the bishopricks and greater abbeys into baronies,¹⁶ and so obliging their holders to attendance on the king's court, along with the temporal barons and great men of the realm. The same persons who decreed in the Provincial Synods of the two archbishops, were thus made constituent members of the Councils of State. They gave attendance distinctly in both capacities. The *Curia Regis* was called by the royal writ of summons, to appear *coram rege*; this the lords spiritual attended, in virtue of their allegiance to the Crown. To the provincial council they were called by the mandate of the archbishop, acting on his canonical authority, and convening the prelates of the Church, *coram nobis*, to some consecrated place within his metropolitanical jurisdiction.

It was little consistent however with the character of William, to allow the Church, even in its spiritual assemblies, to act without his control;—

¹⁵ Eccl. Syn. p. 249.

¹⁶ "In the Saxon times all bishops and abbots sate and voted in the State Councils or Parliaments, as such, not on the account of their tenures. After the Conquest the abbots sate there, not as such, but by virtue of their tenures as Barons: and the bishops sate there in a double capacity, first, as Bishops (as they had all along done before); and secondly as Barons."—*Hody*, 126.

"Cuncta divina simul et humana ejus nutum expectabant. . . . Non ergo pati volebat quemquam in omni dominatione suâ constitutum Romanæ urbis Pontificem pro Apostolico, nisi se jubente, recipere, aut ejus literas, si primitus sibi ostensæ non fuissent, ullo pacto suscipere. Primatem quoque regni sui archiepiscopum dico Cantuariensem seu Dorobernensem, si coacto generali episcoporum concilio præsideret, non sinebat quicquam statuere aut prohibere nisi quæ suæ voluntati accommoda, et a se primo essent ordinata."¹⁷

This rigour was partly the effect of William's natural temper, "tumoris immoderati;" and partly dictated by the policy of his position as a foreign invader. "Whether he made a conquest of the nation or not, it is certain he conquered the bishops and clergy, and treated them as his captives."¹⁸ Beginning by depriving the archbishops of their power to convene the Provincial Synod, without the antecedent permission of the Crown, he proceeded to eject Stigand, Archbishop of Canterbury, with other English prelates, from their sees, in order to confer them upon Normans. And the authority of the Pope, as upon so many subsequent occasions, was readily allied with that of the Crown, for the subjugation of the national Church.¹⁹

The first Synod of this reign was convened at Winchester A. D. 1070, by Legates sent from Rome at the king's desire; and there Stigand was deprived, for the double crime of being an Englishman and no monk. In this synod the king was present in person,²⁰ and he asserted the same privilege in another

¹⁷ Eadmer. Hist. Nov. part i. p. 6, ap. Hody, iii. 2.

¹⁸ Johnson; Preface to Lanfranc's Canons.

¹⁹ "Pope Alexander the Second was a principal agent in all these wicked doings."—*Johnson*, ib.

²⁰ "Concilium magnum in Octavis Paschæ Wintoniæ celebratum est jubente et præsentē Rege Gulielmo, domino; Alex. Papa consentiente et per suos legatos suam auctoritatem exhibente. Stigandum perperam

Council at Windsor, called shortly after to decide upon the controversy which arose between the two Norman archbishops concerning the primacy. The Archbishop of York having appealed to the Pope, the latter ordered the cause to be heard and decided in England. Accordingly at a Synod of fourteen bishops and eleven abbots, with the Pope's legate presiding, it was decreed that York was to be subject to Canterbury, and obey his summons to a synod. The decrees of this Council are subscribed by the king in the first place.²¹

Johnson justly observes, "The Conqueror did not intend to suppress ecclesiastical synods, but when by the Pope's help he had eased himself of the old English prelates, the new Norman prelates knew their right to ecclesiastical synods, and frequently made use of them."²² It is certain that in the year 1075 Lanfranc, the Archbishop of Canterbury, was suffered to call a National Council in St. Paul's London,²³ where it was declared that the use of councils having for a long time been suspended in England, some things which were known to be enjoined by the ancient canons were re-

et falso archiepiscopum per Cardinales Romanos et Ermenfredum Episcopum Sedun deponi (rex) passus est."—*Radulphus de Diceto*. and *Malmesbury de gestis*; *ap. Hody*, part iii. p. 7. Wilk. i. 322.

²¹ Malmesbury calls this assembly at one time a *Curia regis*; at another a *Concilium totius Angliæ*. "The subscribers are the King and Queen, next to them the Pope's Legate, then the Archbishop of Canterbury, and thirteen Bishops and eleven Abbots."—*Hody*, 147, and iii. 13. Wilk. i. 324.

²² *Eccl. Law*, vol. ii., Lanfranc's Canons.

²³ "Jubente atque eidem concilio præsidente Lanfranco sanctæ Doroberniensis Ecclesiæ Archipræsule totiusque Britanniae insulæ Primate, consentientibus secum viris venerabilibus Thomâ Eboracensi Archiepiscopo, Willielmo Londinensi Episcopo," &c.—*Malmesbury, ap. Hody*, iii. 15.

vived. The decrees of this Council are subscribed by the two archbishops, twelve bishops, Anschitillus, *the archdeacon of Canterbury*, and twenty-one abbots. It is to be observed, also, that many of the inferior dignitaries of religious orders were present :²⁴ that these were admitted to give their judgment at least—if not to vote—seems plain from a Decree that no one should speak in the council without leave of the metropolitan, *except the bishops and abbots*.²⁵

Archbishop Lanfranc is said to have celebrated five of these National Synods; in one of which (A.D. 1076) it was decreed that the bishops should hold Diocesan Synods *twice*, or as another copy has it, *once* in the year.²⁶

“During the unhappy reign of William Rufus there was no ecclesiastical synod, and nothing went right.”²⁷ This was so deeply resented by Archbishop Anselm that he quitted the country, and lived abroad, complaining to the Pope

“that he beheld many evils in England of which the correction pertained to his office, but which he could neither reform nor tolerate without sin in himself, since the king had permitted no council to be celebrated for the thirteen years he had reigned.”

Yet there was a Council in Ireland, or perhaps a

²⁴ “Necnon et multarum Religiosi ordinis personarum.” *Persona* at this time seems to be equivalent to our word *dignitary*. “In this age” (1144), says Johnson, “the word Parson was first used for one in holy orders. But my reader will observe that it signified a clergyman of note or eminence, yet sometimes it was given to inferior priests.”—*Articles of Clarendon*, Eccl. Laws, ii.

²⁵ “Ad comprimendam quorundam indiscretorum insolentiam ex communi decreto sancitum est ne quis in Concilio loquatur præter licentiam a Metropolitano concessam, exceptis episcopis et abbatibus.”—*Hody*, iii. 16. *Johnson's Eccl. Laws*, v. ii. *Lanfranc's Canons*, 5. *Wilk.* i. 363.

²⁶ *Hody*, iii. 20. ²⁷ Johnson's Preface to “Anselm's Canons,” 1102.

Parliament, which applied to Anselm to consecrate the Bishop of Waterford. It was composed of "the king, the bishops, and certain nobles, with the clergy and people of the said island."²⁸

Anselm being recalled by Henry I., summoned a council at Lambeth (A.D. 1100), to consider whether Matilda, who had worn the veil of a nun, but not taken the vows, might be lawfully wedded to the king. Here again the *personæ* of the Religious Orders were associated with the bishops and abbots.²⁹

In another assembly at St. Peter's Westminster A. D. 1102, the same archbishop endeavoured to redress some of the evils which had arisen from the long neglect of synods. To this end, in addition to the bishops and abbots, the Council was attended by the great nobles, summoned by the king at the archbishop's request, in order that whatever should be decided might be observed with all the care and solicitude of both orders, lay as well as clerical.³⁰ Paris and Matthew of Westminster, say that the king himself was also present, but the archbishop certainly *presided*.³¹

The next synod of importance is a National one,

²⁸ Hody, iii. 23. Wilk. i. 374.

²⁹ Hody, iii. 24. Wilk. i. 375. State, &c., p. 167. There were present also upon this occasion, "Nobiles quique ac religiosi ordinis viri," whom Wake considers to be the *Heads of religious houses*.

³⁰ "Huic conventui affuerunt, Anselmo Archiepiscopo petente a rege, Primates Regni, quatenus quicquid ejusdem concilii auctoritate decerneretur, utriusque ordinis concordi cura et solitudine ratum servaretur. Sic enim necesse erat quum multis retro annis, synodali cultura cessante, vitiorum vepribus succrescentibus, Christianæ religionis fervor in Anglia nimis refrixerat."—*Hody*, iii. 26. *Wilk.* i. 382.

³¹ "Rege annuente celebratum est concilium communi consensu episcoporum, abbatum, et principum totius Regni, in quo præsededit Anselmus Archiep." &c.—See the *Acts ap Eadmer*, p. 67.—*ib.*

celebrated on the 8th September 1125, when the Cardinal John de Crema, legate of Honorius II., delivered his infamous tirade against the marriage of the clergy. Then, says Gervasius, was seen a thing hitherto unheard-of in England, a clergyman of the priestly order presiding on a lofty throne above the archbishops, bishops, abbots, and the nobility of the realm, who flocked to the Council. Though the legate presided, however, the Synod was *summoned* by the two archbishops in their respective provinces, and with the previous permission of the king.³² From the summons to the Bishop of Llandaff (the oldest mandate of this nature extant), it appears that the *Archdeacons* and *Priors* were now regularly called to the Synod, or as it is here expressly termed, the CONVOCATION³³ of the Province. "An innumerable multitude of the clergy and people" were also *present*.

The accurate author from whom these particulars are taken, accounts it a usurpation on the part of the legate to hold a Synod in England.

"It was generally taken for granted before that time, that if a legate were sent into England, and a Synod were to be held in his presence, it was to be held not by him but by the archbishop; and therefore when in the year 1114 the Legate Anselm was sent hither by Pope Paschal to bring the pall to Archbishop Radulphus, the bishops and princes being all summoned by the King to meet at Westminster, it

³² Wake's Authority, &c., p. 187.

³³ "Præcipimus ut in præfato termino in eodem loco nobis occurras cum *Archidiaconibus* et *Abbatibus* et *Prioribus* tuæ Dioceseos, ad definiendum super negotiis ecclesiasticis, et ad informandum seu corrigendum quæ informanda vel docenda seu corrigenda docuerit sententia *Convocationis* nostræ."—*Hody*, iii. 34. *Wilk.* i. 408. *State*, §c., 171. "In monasteries that had an abbot the *Priors* were next to the abbots; in lesser monasteries the chief Governor was the Prior."—*Johnson's Collection*, vol. ii.

was noised abroad, says Eadmer, throughout the whole kingdom, that the Archbishop of Canterbury was to hold a General Council in the presence of the Pope's legate."³⁴

This usurpation was soon to be perpetuated through the traitorous conduct of the archbishop himself. William Corbel, or Corboyl, whom the king and the bishops had elevated to the archbishoprick in defiance of the prior and monks of Canterbury, was despatched to Rome to complain of the intrusion of a legate upon the Church and nation of England. With this object the Primate conjoined his own pretensions to authority over the province of York, the ancient independence of which had been lately recovered by Archbishop Thurstan. The false prelate, more concerned for his own ambition than the liberties of his country, accepted for himself the authority which he was sent to protest against; and returned at the close of the year 1125, with the title of legate, so "subjecting his own see and the Church of England to the authority of Rome, which before were wholly independent of it."³⁵

In his legantine capacity Corbel celebrated a Synod at Westminster A.D. 1127, which is memorable as the first ecclesiastical Council held, as our Convocations now are, at the same time with the convention of the nobility, and yet in a separate place.³⁶ For the king was holding his Parliament at London while the archbishop celebrated his Council at Westminster.³⁷ Of this Council, again, the *Religiosæ Personæ* were members, together with the bishops and abbots; while great multitudes both of clergy and laity were present as spectators.

³⁴ Hody, iii. 34.

³⁵ Strype's Cranmer, ii., 1040.

³⁶ Hody, iii. 37. Wilk. i. 410.

³⁷ State, &c., 171.

Wake observes,

"The King held his Parliament with relation to his affairs abroad; the Archbishop his Synod for the government and discipline of the Church at home. In the Synod the Archbishop and Bishops only *decreed* and *established*,³⁸ the Abbots and Religious being called for advice, not authority, and what they ordained the King approved of, and by his authority gave a new force and sanction to it.³⁹ So distinctly in those times were the affairs of the Church and State transacted." (p. 171.)

The century which ensued, comprehending the troubled reigns of Stephen, Henry II., Richard I., and King John, afforded many occasions for the assembling of ecclesiastical Synods. They were usually convened by legantine authority, and continued to consist of the same classes of members, bishops, abbots, and priors, with the occasional addition of archdeacons. That these latter dignitaries were brought there in some degree as representing the diocesan Clergy, is probable from the account given by William of Malmesbury, who was himself a member of the Council of Winchester (March 30, 1142). The Legate, he says, consulted separately first with the bishops, then with the abbots, and lastly with the archdeacons;⁴⁰ which would appear to have been done with the view of ascertaining the sentiments of the clergy in their respective jurisdictions.

The chief occasion of these Synods was the unsettled state of the nation, by reason of the war between Maud the Empress, and Stephen, who had the right of pos-

³⁸ "Communi episcoporum consensu in ipso concilio decreta sunt et statuta."—*Hody*, iii. 36.

³⁹ "Rex auditis concilii gestis consensum præbuit autoritate regiæ et potestate concessit et confirmavit statuta Concilii," &c.—*Ib.*

⁴⁰ *Hody*, iii. 52. *Wilk.* i. 420.

session. No canons or constitutions were made in any of the synods called by Henry of Winchester, excepting in the last (1143), when he presided as legate *a latere*, in the presence of King Stephen, at a Council in London.⁴¹

In 1155, at a Council at London under Archbishop Theobald (who obtained from the Pope, for himself and his successors, the title of *legatus natus*⁴²), in addition to the bishops and abbots are mentioned "*multarumque ecclesiarum prælati*;" a phrase which appears to denote the chancellors, treasurers, and other such *dignitaries*, of cathedral and conventual churches.

The Council of Cashel, under the Bishop of Lismore legate, and the Archbishops of Cashel, Dublin, and Tuam (A. D. 1172), was attended by the archdeacons, priors, deans, and many other *prelates* of the Irish Church.⁴³

In 1195 Hubert Walter, Archbishop of Canterbury, by virtue of his legantine authority, held a Council at York during the vacancy of that see. It was attended by the dean, precentor, archdeacons, and chancellor of the Metropolitan Church, the provost of Beverley, with certain of his canons, and almost all the abbots, priors, officials, rural deans, and parsons of the parochial churches of the Diocese of York. This was therefore a Diocesan, not a Provincial Synod, and accordingly no bishops are enumerated.⁴⁴ Yet the

⁴¹ Johnson, vol. ii. Wilk. i. 421.

⁴² But Johnson doubts if this title was yet obtained.—See note on Walter's Canons (1195), No. 9.

⁴³ Hody, iii. 65. Wilk. i. 471.

⁴⁴ The Dean and Chapter of York protested against the visitation of the Archbishop of Canterbury, but they were obliged to submit to his authority as *legate*.

constitutions seem intended to bind the whole province.⁴⁵

In 1237 a further extension occurs in the National Synod. Otho the Pope's legate held a solemn Council in St. Paul's, to which he called all the prelates of England, *scilicet* the archbishops, bishops, abbots, and priors *installed*; moreover, these appeared in the name of their convents and chapters, as well as their own, "*litteras procuratorias deferentes*," that whatever the legate should decree in Council might be ratified by all.⁴⁶ The representative principle was now gaining strength in the kingdom, and though no tax or subsidy was here demanded, it was thought requisite to have the whole clergy formally represented. The archdeacons, deans (rural?), and others, were also members of this Council,⁴⁷ and the constitutions promulgated are entirely of an ecclesiastical character.⁴⁸

In 1255 Rustandus the legate, held a Council at London during the session of parliament. Here, along with the other prelates, are mentioned the archdeacons and *procuratores cleri*; by which, as Wake agrees with Atterbury, is meant "that the archdeacons came with procuratorial powers to act for the clergy, as on other occasions we are told they were wont about that time to do."⁴⁹ But this may perhaps be questioned, for in the *Parliament* held upon the same occasion, the "*procuratores clericorum beneficiatorum archidiaconatus Lincolnie*," offer their grievances *pro totâ communitate*;⁵⁰ and these, as it appears from the Crown writs to the bishops of the

⁴⁵ Johnson, vol. ii. Wilk. i. 501.

⁴⁶ Hody, iii. 96. Wilk. i. 648.

⁴⁷ State, &c., 198.

⁴⁸ Johnson's Eccl. Laws. Wilk. i. 649.

⁴⁹ State, &c., p. 202.

⁵⁰ Hody, 346.

preceding year, were *not* the archdeacons, but proctors specially deputed from the Diocesan Synods.⁵¹

Two years after the same nuncio, Rustandus assembled the archdeacons, and it was agreed that the deans, regular prelates, and archdeacons, should treat with their chapters and clergy, so that they might make their return to London by *procurators* fully empowered to answer and compound for them.⁵²

The subject in dispute was the continual exactions of the *Pope*; who had demanded at one time a tenth of all the benefices, at another a fifth of the abbeys, at another an arbitrary subsidy from the prelates, with certain prebends to be at his disposal. These demands, resisted at first by the king and all his subjects, clerical and lay, were afterwards supported by the monarch when he had come to an agreement with the *Pope*. The bishops and clergy were thrown upon their own resources for their defence, and the struggle tended to augment the interests of the lower clergy in the superior Council or Convocation of the Church. Up to this time they had attended in person at the Diocesan Synods, while the prelates only (greater and lesser) ordinarily assembled at the Provincial Council: but now (A.D. 1257) Archbishop Boniface in issuing his mandate to the several bishops and prelates of the province of Canterbury, to come together in order to treat of the common affairs of the Church of England, commanded them to cite "the deans and priors of their cathedral churches, the abbots and other independent priors, and the archdeacons, *each of them bringing letters procuratorial from their several congregations and subject clergy,*

⁵¹ Hody, 339.

⁵² Hody, iii. 107.

for the ratification of those things which by the help of God should be treated of in common, to the honour of God and the Church.”⁵³

The king having become confederate with the Pope, forbade the prelates to obey the archbishop’s summons under pain of forfeiting their lands. But they persevered in their canonical obedience; and the archbishop himself declared he would defend the cause of the Church in his own person, and spare for neither damage nor expense until the suffragans and clergy of his province should come to his assistance. The articles drawn up in this assembly are headed, “*Nos prælati cum clero*,” and at the close is written,

“*Et super istis articulis prænotatis fecit Bonifacius Cant. Arch. suorum suffraganeorum sibi subditorum universorum prælatorum pariter et cleri procuratorum CONVOCATIONEM isto anno apud Londonias, semel et secundo, propter gravamina et oppressiones, de die in diem per summum Pontificem et D. Henricum Regem Ecclesiæ Anglicanæ irrogatas.*”⁵⁴

Here, then, is the archbishop summoning a full Convocation of all the clergy, not only without the royal writ, but in defiance both of the King⁵⁵ and the Pope; not to impose a tax, but to present the grievances and defend the liberties of the Church.

The next year Boniface summoned another Convocation, or “Congregation” as it is called in his mandate,

⁵³ See the Archbishop’s mandate in Hody, iii. 109. Wilk. i. 723.

⁵⁴ Hody, iii. 111; Wilk. i. 726. Yet it is certain, Hody says, that the clergy had as yet no other proctors but the Archdeacons.

⁵⁵ “*Item cum Dominus Rex prohibuerit Prælati Ecclesiæ, sub forisfactura omnium terrarum suarum quas de eo tenent, ne venirent ad hujusmodi Convocationem auctoritate domini Archiepiscopi factam; an liceat et deceat et expediat tractare in hujusmodi Convocatione de negotiis ecclesiæ a Prælati, vel potius, quod absit, prohibitioni Regiæ parere.*” These are the Archbishop’s own words.

to meet at Merton. This mandate directs the bishops to cite the "deans of cathedral and other churches, the abbots, greater priors, and moreover, the archdeacons, with letters procuratorial from their subject clergy, in order that whatever should be established by the common deliberation might be strengthened by the adherence of all the members of the body corporate." In this, as in the Convocation of the preceding year, articles were agreed upon :

"Archiepiscopi et episcopi de consensu et approbatione inferiorum praelatorum, capitulorum cathedralium, et conventualium, necnon universitatis totius Cleri Angliæ pro reformatione status Eccl. Anglicanæ, et reparatione Ecclesiæ libertatis hæc prædicta communiter et concorditer providerunt."⁵⁶

The same "consent and approbation" appears in the constitutions against lay oppressions made by the archbishops and bishops in the Council of Lambeth, A. D. 1260.⁵⁷

The following year a legate of the Pope, Walter de Reygate, having arrived "*fecit summoneri omnes Angliæ prelatos, &c., coram ipso Londini.*" Nevertheless it appears the Convocations were actually called after the usual custom in the two provinces: *omnes australes* meeting before the Archbishop of Canterbury, and the said brother Walter, and the *aquilonares* a week later, before the Archbishop of York, at Beverley. The summonses went to "the prelates, *scil.* the archbishops,

⁵⁶ Hody, iii. 114. Wilk. i. 740.

⁵⁷ "Archiepiscopi et Episcopi de consensu et approbatione inferiorum praelatorum, capitulorum cathedralium et conventualium, necnon universitatis totius Cleri Angliæ pro reformatione status Eccl. Anglicanæ, et reparatione libertatis, hæc prædicta concorditer et communiter ordinauerunt, retenta sibi potestate addendi mutandi et corrigendi prout viderint expedire."—Hody, iii. 116. Wilk. i. 755.

bishops, and abbots, exempt as well as non-exempt, to the priors, archdeacons, and *other ordinaries of churches.*" At this Council also statutes were ordained "*super statu ecclesiæ Anglicanæ.*"⁵⁸

In 1268 the famous Constitutions of Othobon were published in a Council at St. Paul's, consisting of all and singular the Prelates of the realm, greater as well as lesser, "*qui quocunque prælationis titulo præsidere videbantur,*" &c. The two archbishops were present at this Council, with the bishops, abbots, priors, deans, archdeacons, "*and other ecclesiastical dignitaries ;*" i. e. says Hody, the officials, rural deans, and cathedral dignitaries. This Council was held "*annuente Christianissimo Anglorum Rege Henrico.*"⁵⁹

The representative principle which showed itself under Henry III., in the form of procuratorial letters from the clergy to their deans and archdeacons, even when the Synod was not assembled to treat of subsidies, but for the reform of ecclesiastical discipline, attained to a more decided development in "a proper and remarkable Council" (as Wake himself has styled it) celebrated at the commencement of the reign of Edward I., by Archbishop Kilwarby. (A. D. 1273).

The Archbishop's mandate to the Bishop of London, printed by Wake,⁶⁰ is headed "*Mandatum pro Convocatione,*" and recites in the preamble, that

"the archbishop, as soon as the care and charge of the pastoral office was committed to him by the Divine permission, directing his attention to the state of the Churches, and of ecclesiastical persons and liberties, found much to be corrected and reformed, so that it was necessary without

⁵⁸ Hody, iii. 119. Wilk. i. 758. ⁵⁹ Hody, iii. 123. Wilk. ii. 1.

⁶⁰ State, &c., Appx. No. xii.

delay to correct and reform them, by the help of God, with the wholesome counsel of his brethren and fellow bishops. Wherefore he commands the Bishop to call all the suffragans of his Church of Canterbury to assemble at the New Temple London, the Wednesday after the feast of St. Dionysius, to treat provide and ordain with himself upon the state of the Church and ecclesiastical liberties, and upon other necessary articles, as may appear convenient for the honour of God and His Holy Church."

And that the business might be sustained *saniori concilio*, he enjoins the bishops "each to summon and bring with him *three or four persons*, of the more discreet and prudent of his Church and diocese, that by means of their counsel this great business of God's Church, His own mercy assisting, might have a happy termination."⁶¹

Five years later (1277) we meet with another "mandatum pro Convocatione," which summons the suffragan bishops, together with some of the greater dignitaries (*personis*) of their chapters, the archdeacons and *the procurators of the whole of the clergy of the several dioceses*, "*nobiscum super negotiis memoratis, tam præteritis quam instantibus, efficaciter tractaturi, ut eisdem, eorumdem mediante concilio, finis imponatur laudabilis.*"⁶²

Upon this occasion again, which is clearly an ecclesiastical one, the diocesan clergy had their distinct representatives elected by themselves in the Provincial Council: and these functionaries would appear to be now sufficiently known and established, since no special

⁶¹ "Tres vel quatuor personas de majoribus discretioribus et prudentioribus sue Ecclesiæ et Dioceseos ut eorum mediante concilio, tantum ecclesiæ Dei negotium, Ipsius misericordiâ suffragante, felicem sortiatur effectum."—*Wilk.* ii. 26.

⁶² State, &c., Appendix, No. xv. *Wilk.* ii. 30.

instructions are given respecting their number or mode of election.

Two years after was the Council of Reading, composed only of the suffragan bishops of the province of Canterbury, whom the Archbishop summoned to appear personally before him, to confer with him and receive his commands upon certain articles. One of the decrees of that Council, as printed in Lyndwood, runs as follows :⁶³

“Item præcipimus ut in proxima Congregatione nostra tempore *Parliamenti proximi*, post Festum S. Mich. ad tres hebdomadas per Dei gratiam futurum, præter personas episcoporum et procuratores absentium, *veniant duo electi ad minus a Clero episcopatum singulorum*, qui auctoritatem habeant unà nobiscum tractare de his quæ Ecclesiæ communi utilitati expediunt Anglicanæ, etiamsi de conturbatione aliqua vel expensis oporteat fieri mentionem.”

Hody remarks that

‘this is the first time the diocesan clergy appear to have been represented by proctors of their own choosing. * * * Their having never done so before was the reason why this constitution was made to empower them to do it. And it was made not in general for the future, but only for the next ensuing Convocation. And accordingly in the following Convocations, it was sometimes otherwise. But after some time it became a custom.’—iii. 128.

This author, though generally so accurate, had overlooked the mandate of 1277, produced in Wake’s Appendix; and certainly it was no long time after that the custom became indisputable. Atterbury relies upon the rule as having “ever since been constantly practised;”⁶⁴ but Kennet and Wake stoutly deny that any such Constitution was made at Reading. The

⁶³ Prov., p. 25, ad. fin. in cap. de exequiis episcoporum.

⁶⁴ Rights, &c., p. 10.

former assigns it to the Synod at Lambeth, in 1283; but Wake, while admitting this as a probable conjecture, doubts whether any such order was ever adopted at all, because he has not found it in any of the provincial constitutions.

It is some argument against the passing of this Constitution at Reading, that in the Provincial Council held at Lambeth, 7th October 1281, the Archbishop did *not* summon any proctors from the diocesan clergy. The proctors of the *chapters*, however, as well as the inferior prelates, were at that Council; and some of the *regular* clergy, for refusing to attend it, were punished by sequestration and suspension *ab ingressu Ecclesiæ*.⁶⁵

So far, then, as the *inferior prelates* and *chapters* are concerned, we may consider them to be by this time clearly established as constituent members of the Provincial Synod. Still, it would appear, the bishops alone were occasionally summoned by the archbishop; for such a Synod was held the next year by command of the Pope, to treat with the king for the enlargement of the Templar Almaric de Montford. These smaller Synods, though representing, strictly speaking, the *governing* authority of the Church, gradually disappeared in the fuller Convocations to which all affairs of general concern were naturally remitted. The English were mindful, both in Church and State, of that principle of their ancestors, "De minoribus rebus principes consultant de majoribus omnes."⁶⁶ "*Consuetudo* est (so the Archbishop writes to the Pope A. D. 1300)

⁶⁵ State, &c., p. 221. Wilk. ii. 50 & 64.

⁶⁶ Tacitus de situ, moribus et populis Germaniæ, cap. xi.

regni Angliæ quod in negotiis contingentibus statum ejusdem regni requiritur consilium omnium quos res tangit."

It may here be proper to inquire how far a principle so agreeable both to Scripture and to reason had obtained in other parts of Christendom. The canons of the Council of Arles, A. D. 314, are subscribed by a priest and a deacon, as well as by three bishops from Britain,⁶⁷ and it would appear from the summons to Chrestus, Bishop of Syracuse, which is given by Eusebius (*lib. x. 5*), that each province was required to send one bishop and two presbyters to that Council.⁶⁸

In the Synod held in the Baptistery at Constantinople (A. D. 394), the "whole priesthood" are recorded as sitting together with twenty bishops.⁶⁹ At Rome also, A. D. 465, the presbyters sate in synod with the bishops, and "joined in the conciliary acclamations; these things we confirm and teach; these things are to be held and observed." Wake however, insists that the bishops only *decreed*, and the authority of the Synod rested wholly in them.⁷⁰

The Roman Council on British affairs (A. D. 679), presided over by Pope Agatho, is described in the preface as consisting of the Pope, "together with the glorious and most holy bishops, who were co-assessors

⁶⁷ "Eborius Episcopus de civitate Eboracensi, provinciâ Britanniâ; Restitutus episcopus, de civitati Londinensis provinciâ suprascripta; Adelfius episcopus, de civitate Colonie Londinensium; exinde, Sacerdos presbyter; Arminius diaconus de civitate Londinensi."—*Conc. Arelat. Harduin*, i. 267.

⁶⁸ *Stillingfleet*, Orig. Brit., 75, 6.

⁶⁹ *Johnson's Vade Mecum*, ii. 213.

⁷⁰ *State, &c.*, p. 102.

and cognusors⁷¹ with him (their seventeen names follow), and the venerable priests (thirty-five named), the deacons beloved of God and all the clergy standing by.”⁷²

In short, it is certain that both provincial and general Councils were attended by priests, with more or less liberty of speech, from the earliest times; and when bishops only are named in the acts, it is not always to be inferred that the priests were not present, as usual, to advise and concur. This privilege was not deemed inconsistent with the primitive doctrine, that in the bishops, as successors of the Apostles, lay the ultimate trust of deciding upon points of doctrine. Yet it cannot be thought that the representations of the second order were without a proper effect on the minds of the bishops, and so upon the conclusions of the Council.

By the end of the 11th Century Wake himself allows that the inferior prelates and capitular bodies were “so far taken into Synod,” as that they were to be *invited* (not summoned), and *if* they came they were to be allowed to treat in them. So also, he adds, were *some* select presbyters, such as the metropolitan thought fit to call: and to this effect he cites the decree of Pope Innocent III., in the case of the province of Sens;⁷³ and

⁷¹ Considentibus unâ cum eo . . . et cognoscentibus.

⁷² Johnson's Eccl. Laws, vol. i.

⁷³ “The chapters of the cathedral churches of that province had, it seems, been called to the Provincial Synod, and yet when they came, had not been admitted to treat with the bishops in it. The Pope therefore directed that they should not only be invited to such Councils, but that being come, their proctors should be admitted to treat with the archbishop and bishops in them; especially, says he, in such things as are known to concern their chapters.”—*State, &c.*, p. 102.

also the *Ordo* for holding Councils in the Roman Church.⁷⁴

⁷⁴ The distinction between an *invitation* and a *summons* or *citation* was, that in the former case the parties might attend if they chose, but were not liable to be pronounced contumacious, or punished by spiritual censures if they were absent. An instance of this distinction occurs in England as late as the year 1312, when Archbishop Reynolds summoned his suffragan bishops to a Provincial Council at St. Paul's on the morning of the day on which parliament was to be opened, and in the mandate put the following clause: "Denuntietis insuper Decanis et Prioribus Cathedralium Ecclesiarum eorumque Capitulis quod si ad idem Concilium venerint et ad id petierint se admitti *juxta Juris exigentiam*, admittentur."—*State, &c.*, Appendix, No. xlvii. p. 36.

CHAPTER III.

OF THE PLANTAGENET POLICY.

Proceedings in 1282.—Former attempts to bring the Clergy to *Parliament*.—Policy of Edward I.—Opposed by the Clergy.—Parliaments at Northampton, York, and Durham.—Convocations substituted.—*Præmunientes* Clause in the Bishop's Writs.—Resistance of the Clergy.—Their Submission.—Edward II's. Provincial Writ to Parliament.—Protest of the Clergy.—Convocation substituted.—Further attempts of the king.—Clergy prevail.—Provincial Writ to Parliament abandoned.—*Præmunientes* Clause continued.—But not executed.—Lord Coke on Parliamentary Proctors.—Review.—Convocation the true Synod of the Province.—Parliamentary powers superadded.—Action of Church and State.

HAVING thus traced in the early history of our ecclesiastical Councils the gradual development of those particulars which our law writers imagine to have had their origin in the State policy of Edward I., we come to the famous Assembly at Northampton, in the 11th of that king, A. D. 1282. This assembly both Kennet and Hody designate by its true name of a *Parliament*; but Wake styles it “a proper State Convocation,” and would have it regarded as the first of those assemblies of the clergy which he distinguishes by that name from the ancient ecclesiastical Synods of the province. It differed however from a Convocation in the essential particular of being summoned to meet before the *king*, or his commissioners, instead of before the archbishop, as the ecclesiastical Convocation is uniformly cited. The writs are printed in the Appendix to Atterbury's Rights of Convocation (Nos. vii., viii.), and also by Hody (*p.* 378), and by Wilkins in vol. ii. 91. It is plain that the assemblies convened—for there were *three* sit-

ting at the same time in different parts of the kingdom—were in all respects *curiæ regis*, not *concilia ecclesiæ*. Instead of being the origin of our present Convocations, this was in fact the first of that king's attempts to bring the clergy to *Parliament*; and as such it was strenuously resisted upon their part. To understand the contest which ensued we must look back to the proceedings of former reigns.

When the Conqueror summoned the bishops and abbots to be members of his Parliament, as well as of the Provincial Synod, they became liable to *escuage* and other state aids, in common with the temporal barons. The remaining clergy continuing to hold their benefices in *frankalmoyne*, escaped for a time the burden of contributing to the royal exchequer. Of this advantage various attempts were made to deprive them, as the science of taxation improved in the hands of our kings. Sometimes the monarch levied a subsidy on the "good old simple plan"—the rule of force. At others it was endeavoured to extend the aids which had been granted by the prelates in Parliament, to the clergy under their jurisdiction, by means of the episcopal authority. But both these expedients were contrary to the genius of the English character, and were successfully resisted. A more constitutional course was hit upon when the king could engage the several bishops to treat with their clergy for a subsidy in the Diocesan Synod, where they regularly assembled on the affairs of the Church. There are instances of the king sending letters to the bishop to convene his Synod for this purpose, as was afterwards the custom in respect to the Provincial Convocation.¹

¹ State, &c., p. 25, and Appendix, No. viii.

Under King John (A. D. 1206), when the bishops, abbots, and priors, had voted a subsidy in Parliament of one thirteenth, the king issued letters to the "archdeacons, officials, and whole clergy of the province of Canterbury," requiring them to grant him a similar assistance, for which his thanks should be due.²

By degrees it appears that some of the clergy were drawn to attend the parliament. Thus A. D. 1235-6, a tax was granted in a parliament where, besides the bishops, abbots, and priors, "the other ecclesiastical prelates of the realm" were present.³

Again in 1246-7, the archdeacons, with a great number of the lower clergy, came to parliament and complained of a subsidy demanded of them for the crusades. In 1254 a royal writ was issued to the bishops to convene their clergy in Diocesan Synods, to consider of a subsidy, and when they had resolved what to grant they were to send up two proctors from each diocese to give in their votes to parliament.⁴ This was plainly an attempt to adapt to the king's uses the system of representation which, as we have seen, was then growing up in the Church; accordingly, the parliament at Westminster (A. D. 1255) was attended by procurators for the beneficed clergy of each arch-deaconry.⁵

Thus it was all along the policy of our princes to

² Hody, 269. The king had first required of the bishops and abbots in Parliament to permit (query, compel?) the beneficed clergy to contribute, "*sed omnes tam Cantuarienses quam Eboracenses Metropolitæ unanimiter responderunt Anglicanam Ecclesiam nullo modo sustinere posse quod ab omnibus seculis prius fuit inauditum.*"—*Annals of Waverly*, Hody, 269. This answer seems to show that the clergy could neither be obliged to attend the Parliament nor be taxed there in their absence.

³ Hody, 316.

⁴ Hody, 339.

⁵ Hody, 345-6.

bring the same persons who composed the Council of the Church to give their attendance in parliament also. And as the clergy now sent their proctors to the one they might be expected to do the same to the other. The proceeding adopted by Edward I. was in natural sequence to this policy. His expenses were unusually large, and the clergy relying on the Pope, and becoming impatient of the yoke of taxation, were beginning to manifest a resolution to refuse any further contributions. He resolved, therefore, to impose upon the whole body the burden which the Conqueror had laid upon the greater prelates.

Having called a parliament at Northampton (A. D. 1282) to aid him in his wars against the Welsh, he issued letters to the Archbishop of Canterbury commanding him to summon thither the bishops, abbots, priors, and other heads of religious houses, together with the deans and proctors of the cathedral chapters. These, as we have seen, were all long established attendants on the Provincial Synod, but the archdeacons and proctors of the diocesan clergy are omitted;⁶ perhaps because it was designed afterwards to extend to them in their Diocesan Synods the aid that should be granted in the Parliament.⁷

By another writ the "*tota communitas Cleri Provinciæ Ebor*" (by which Kennett says a similar represen-

⁶ This omission is fatal to the theory that the clergy were first called to Convocation in order to give aids to the Crown; for here, with this sole object in view, the king omits the bulk of the clergy, and summons only the more ancient members of the Provincial Synod: i. e., the king was *behind* the Church in the representative principle.

⁷ Wilk. ii. 92. Rights, &c., p. 230. The Diocesan Synods, however, ought properly to have been consulted with *before* the assembly of the prelates, and their proctors sent up with their determination.

tation is intended), *together with the laity* beyond Trent, were summoned to a distinct parliament at York. And it is remarkable that there was yet a third assembly called at *Durham*, of the bishops, abbots, priors, deans, chapters, knights, freemen, and commonalties of the boroughs and vills of that bishoprick and county palatine. To the two last mentioned assemblies the clergy and laity were called by one writ, and sate together. But at Northampton the clergy had a writ and a house of their own.

This writ the Archbishop of Canterbury, not concealing his reluctance (*dolentes et inviti*), forwarded, with a mandate from himself, to the Bishop of London the dean of his province, whose duty it was to cite the Provincial Synod. And this mandate the bishop obeyed : but the clergy when assembled refused to grant any aid for two reasons ; first, because of the absence of the greater part of their number ; and secondly, because they had not been summoned *modo debito*. The ground of the latter objection is fully stated in their remonstrances subsequently delivered in to the archbishop.⁸ It was briefly this, that they ought not to be called together by *the king's writ* (*quod clerus ejusdem provincie vel regni auctoritate Regiâ convocari non consuevisset nec debuisset de jure*), nor to appear before a lay authority (*ad curiam secularem puta D. Regis parliamentum*).

It was agreed therefore that the archbishop should call a proper ecclesiastical *Convocation* to entertain the king's message the following Easter. He accordingly issued a new mandate to the Bishop of London,

⁸ Rights, &c., Appendix, No. xiv. and xvi., and State, &c., App. No. li; Wilk. ii. 442.

reciting the failure of the congregation at Northampton, and then, without mentioning the king's writ, convening a Convocation to appear *before himself* at the New Temple (which was a *consecrated place*), to treat of what had been proposed on the part of the king, "and further to do as the Lord should inspire." To this, which was a true ecclesiastical Council, he summoned, besides the prelates greater and inferior, including the archdeacons, *two proctors from the clergy of every diocese, and one from the chapters*. The bishops were further directed to assemble the clergy of their respective dioceses to consider of the subsidy beforehand, and instruct their representatives what to grant.

This was now the usual course of the Church in respect both to subsidies and other ecclesiastical affairs; and it affords undeniable evidence (whatever may be thought of the alleged decree of the Council of Reading) that the representatives of the clergy were now entitled to a distinct place in the Provincial Council. For if this had not been a true ecclesiastical Synod, the clergy would have gained nothing by objecting to the parliamentary Convention at Northampton. The archbishop, however, plainly intended to comply with their demand, and the king acquiesced by sending the same three commissioners who had represented him at Northampton to urge his request in the Convocation.⁹

Some years after the king renewed more vigorously than before the design of bringing the clergy to *parliament*. At that parliament, when citizens and burgesses

⁹ Hody, iii. 140. Wilk. ii. 93. In 1290 we meet with another Provincial Council at Ely, upon a purely ecclesiastical matter, when the whole clergy had their proctors, as Wake admits "it was now usual for them to have."—*State, &c.*, p. 228.

were first summoned to represent the Commons, a clause was inserted in the bishop's writs to the House of Lords¹⁰ commanding them to *premonish* the inferior prelates and clergy to attend, together with themselves, before the king at Westminster. The persons cited in this clause—termed (from its opening word) *Præmunientes*—were the same as we have already seen called by the archbishop to his Provincial Synod, viz., the inferior prelates in person, the chapters by one, and the diocesan clergy by two procurators, but not the priors and conventual chapters.¹¹

The *Præmunientes* Clause varied a little in its terms. In the first writ extant it was couched in the style employed for the temporal Peers: “ad tractandum ordinandum et faciendum nobiscum et cum cæteris prælatis, proceribus et aliis incolis regni nostri.” The next year it was simply “ad ordinandum de quantitate et modo subsidii”—soon after, “ad faciendum et consentiendum hiis quæ tunc de communi concilio (favente Domino) ordinari contingerit.” Then the *faciendum* was occasionally omitted till the clause assumed its permanent form,¹² as follows :

“Præmunientes Decanum et Capitulum Ecclesiæ vestræ Cant. ac Archidiaconos totumque Clerum vestræ Diocesis. quod iidem Decanus et Archidiaconi in propriis personis suis, prædictum Capitulum per unum, idemque Clerus per duos Procuratores idoneos, plenam et sufficientem potestatem ab ipsis Capitulo et Clero divisim habentes, prædictis die et loco personaliter intersint ad consentiendum hiis quæ tunc ibidem de communi consilio dicti Regni nostri, divina favente clementia, contigerit ordinari.”¹³

This summons was from the first highly offensive to

¹⁰ 23rd Ed. III., 30th Sept. 1295. ¹¹ State, &c., 236; Wilk. ii. 215.

¹² Circa. 28 Edward III.

¹³ Hody, p. 392.

the clergy : a fact which is unaccountable by those who imagine it to have been the origin of their appearance in Convocation. The truth is, they were already admitted into the Councils of the Church, and saw nothing but disadvantage to their spiritual character in being compelled to give attendance also on the king. In the Parliament at Bury, A. D. 1296, they refused a subsidy, "*quoniam clerus vocatus fuit ad mandatum regis et non auctoritate ecclesiastica.*" Soon after they carried their resistance to an extreme which provoked a corresponding revenge. A bull had been issued by Pope Boniface, forbidding, under pain of excommunication, any alienation of the Church's goods to secular princes. In obedience to this injunction, the two archbishops being assembled with their clergy, in joint Convocation, at St. Paul's (A.D. 1296), refused to pass any subsidy to the king. The latter retaliated by excluding the bishops from their place in Parliament, with all other clergymen excepting those of his Privy Council. He further seized into his own hands all the lands and property of the clergy, which the sheriffs could find beyond the churches and churchyards, and finally declared the whole body out of the king's peace and protection. The Archbishop of York, for himself and his clergy, quickly gave way before these heavy assaults, and their example was followed by the bishops of the southern province. The Archbishop of Canterbury, however, with his inferior clergy, stood out for some time, expecting assistance from Rome ; but being disappointed in this, they also were obliged to submit to the king.¹⁴

After the submission of the clergy Edward omitted the *Præmunientes* Clause in some parliaments, and allowed

¹⁴ State, &c., p. 252.

their subsidies to be treated of as before in the Diocesan and Provincial Synods. In others, however, the clause was inserted, and a parliamentary attendance of the clergy enforced. Procurators were then constituted for that especial purpose, *in addition* to those who were sent to Convocation to treat with the prelates and clergy "on such things as might concern the glory of GOD and the good of His Church."

In 1304 Archbishop Winchelsey, again, received a royal writ to summon the clergy of his province to a parliament at Westminster. Instead of obeying it to the letter, he issued his mandate for a Convocation *before himself at Lambeth*, to act in conjunction with the Parliament, "*nobiscum super quibusdam statum Ecclesiæ contingentibus tractaturi, ulteriusque facturi una Nobiscum in dicto Parlamento quod permittunt sacrorum canonum instituta.*" This substitution appears to have been allowed by the king: yet in his last Parliament, held at Carlisle A.D. 1307, the *Præmunientes* clause was so vigorously enforced as to secure a large attendance of the clergy; though not precisely by the same number of representatives as was customary in Convocation.¹⁵

The reign of Edward II. opens with a "*Concilium Provinciale*," acknowledged for such by Wake, celebrated in St. Paul's London 14th Nov. 1309, about the affair of the Templars. Among other inferior prelates were summoned the arch-presbyters, or rural deans.¹⁶ In another Council upon the same affair (A. D. 1311), the rural deans were omitted; and it was further left to the chapters and convents to appear as they pleased,

¹⁵ Hody, 388. ¹⁶ Hody, iii. 165. State, &c., 259; Wilkins, ii. 304.

either by their heads or by one or more of themselves. The diocesan clergy were commanded to send either one or two procurators.¹⁷

In the same year (5th Edward II.) the premunitory writ to the bishops was renewed, and partly executed ; but Wake gives a marginal note from the Register of the Chapter of Worcester, "that these proxies were not delivered, because the clergy is not bound to obey the king's call without the command of the archbishop."¹⁸ The king therefore ordered the archbishop to summon the clergy of his province, and he after some difficulty complied, commanding the inferior prelates in their own persons, and the clergy by sufficient proctors, to appear in *Parliament* at Westminster. The mandate upon this occasion¹⁹ differs greatly from that of a Provincial Synod, and was obviously framed on the *præmunientes* clause in the bishop's writ. It was in fact, a *provincial writ to parliament*, and the form was continued till about the middle of the reign of Edward III.

Against this course the clergy protested with much vehemence. Their "reasons" subsequently delivered in *contra formam citationis*,²⁰ alleges it to be contrary to the customs and liberties of the Church that the clergy

¹⁷ Wilk., ii. 406 & 419, also State, &c., Appendix No. xlvi. The matter appears to have been for some time much at the archbishop's discretion. The second mandate continues the Council to a further day, with a provision at the end, that the abbots and priors might be excused from personal attendance, if they preferred to join with their convents in the election of proctors, or send proctors of their own—the priors of cathedral churches only excepted.

¹⁸ State, &c., p. 260.

¹⁹ State, &c., Appendix No. 45.

²⁰ State, &c., Appendix, No. li. Rights, &c., App., No. xiv. Wilk. ii. 442.

should be convened by the royal authority ; that such mandates had been condemned in a Provincial Council lately held ; and that the metropolitan had no authority to convene the clergy of his suffragan bishops out of their own dioceses, nor exercise jurisdiction over them, except in certain cases, of which this was not one. The clergy of the province of Canterbury, it was urged, could not be summoned to *Westminster* (an exempt place) by authority of the ordinary ; and since the laity could be no judges, auditors, or *cognitores* of ecclesiastical causes or persons, they ought not to appear "*coram dilectis et fidelibus domini Regis.*" Subsidies, they added, were not to be granted by the Church, "*tanquam ex debito,*" but "*cum quâdam juris observantiâ, sicut in sacris canonibus est contentum.*" For such reasons the clergy prayed a revocation of the archbishop's mandate ; and the option being given them either to proceed under protest, or wait for another more legitimate citation, they determined on the latter ; at the same time claiming protection of the archbishop against the threats of certain laymen who were indignant at their refusal. A Convocation was accordingly called in the usual form at St. Paul's.

A similar course was taken at York and with the same result, the clergy being summoned a second time to a regular Convocation.²¹

In 1315, the Archbishop of Canterbury being again commanded by the king to convene the clergy to Parliament, issued his mandate reciting the king's letters only in part, and summoning his province, not to Parliament but to a Convocation before himself in St.

²¹ State, &c., 266.

Paul's Church, the day before the meeting of Parliament.²²

Another attempt at a provincial citation to the Parliament at Lincoln the following year, failed through the Bishop of London refusing or neglecting to make the usual return to the Archbishop's mandate; and in 1322 the Archbishop of Canterbury having succeeded in assembling a large part of his province to attend the Parliament at York, and the clergy present consenting to the desired subsidy, they were, nevertheless, unable to pass it; because those who were absent would not be bound by the decree, inasmuch as they could not canonically be cited into another province, nor therefore be pronounced contumacious for their absence.²³

It would appear that the clergy thus summoned to parliament were still to assemble and vote by them-

²² State, &c., p. 267.

²³ See the mandates in the Appendix to State, &c., Nos. lviii. and lxiv. See also Wilkins, Conc. ii. 547;—"Praelati et clerus provincie Ebor per breve regium ad Convocationem apud *Lincoln* ubi parliamentum tenebatur, crastino exaltationis S. Crucis habendam citabantur. Episcopi alique prelati cum paucis ex inferioribus clericis ibi comparentes synodum extra provinciam suam minime celebrari posse protestabantur: quapropter archiepiscopus Ebor a rege expetiit et obtinuit ut ad suam redeuntes provinciam synodum celebrarent; quod archiepiscopus in mandato suo episcopo Dunelm. directo (dat. apud Lanum 10 Kal. Oct. 1327) exprimit his verbis." "Per quosdam excusatores ipsius cleri nostri extitit responsum, quod idem clerus apud *Lincoln*, extra provinciam nostram non tenebatur comparere, nec debuit respondere; nosque allegationem hujusmodi legitimam reputantes, cum difficultate tandem obtinuimus de dicto domino nostro rege et suo concilio, quod de vobis et fratre nostro dom. Carliol. episcopo clerostrarum dioceseseos et provincie ad certos diem et locum dictae dioceseseos nostre competentes, novam faceremus ad dictum effectum convocationem." "In hac convocatione una decima pro subsidio dom. regi *sub certis conditionibus* solvenda concedebatur."

selves, as in their own proper Convocations.²⁴ It is clear, therefore, that they objected to the summons, not so much on account of any force that might be put upon their deliberations by the presence of the laity, as because of its departure from the canonical forms, and the consequent danger to the spiritual constitution of the Church.

Their objections finally prevailed. In the reign of Edward III. the provincial summons to *parliament* was abandoned, and the King reverted to the more ancient practice of commanding the archbishop to convene his Provincial Synod, where the subsidies of the clergy were granted in a canonical way. An ordinance, which passed in parliament in the 15th Edward III., fully justifies the case of the clergy. It was resolved that the prelates "which hold of the king by barony, and ought to come by summons to the parliament, pay the ninth; and those people of Holy Church, which hold nothing by barony, and are not accustomed to be summoned to parliament, pay the tenth."²⁵

Nevertheless the *præmunientes* clause was continued and made permanent in the writs of summons to the several bishops. This was done, as Wake and others suppose, in order to prescribe the *manner* in which the clergy should be called to Convocation, viz., the chapters by one, and the dioceses by two procurators. But this, as we have seen, was the *modus debitus* of the Church herself,

²⁴ "The archbishops, with the prelates and clergy of their provinces, debated asunder of their parliamentary affairs, agreed severally what to do; and (as I conceive) the archbishops delivered their resolutions when they came together before the king and lords in parliament."—*State, &c.* 259.

²⁵ Hody, 412.

and was copied into the king's writs from the previous practice of the Ecclesiastical Convocation. The more probable account is, that the clause was continued in the bishop's writs, to assert the authority of the Crown over the clergy as one of the estates of the realm, and their obligation to render aid to the public exchequer. While they discharged this duty in their own Conventions the Crown was satisfied, and the bishops were silently permitted to neglect the execution of the *præmunientes* clause. Wilkins says there is only one instance of proctors being elected under its provisions down to the Reformation;²⁶ but the *procuratores cleri* are not unfrequently mentioned in the proceedings of parliament before Henry VI. Their consent is recited in the preambles of the acts 21st Richard II., cap. ii. and xii.: and in the Parliamentary Rolls of 1, 2, and 4, of Henry IV., and 6 Henry VI., the clergy are recorded as taking part in the deliberations.²⁷ It is to be remembered, however, that by the Clergy is often meant the *Convocation* assembled concurrently with the parliament, and advising with the Lords and Commons as it were a third house. The proctors elected under the *præmunientes* clause, gave their attendance strictly in parliament, and were often not the same persons who sat as ecclesiastical representatives in the Convocation.

Sir Edward Coke, relying on the treatise *de modo tenendi Parliamentum*, says of such *procuratores cleri*, that they "appeared in parliament as spiritual assistants to consider, consult, and consent, but never had voices here, because they were no lords of parliament;"²⁸ by which he would appear to think they attended along

²⁶ Conc. i. ix.

²⁷ Hody, 422-25.

²⁸ 4 Inst. 5.

with the bishops in the *Upper* House. But Atterbury considers they sat with the Commons in the lower House, and quotes a petition in parliament to Henry IV., beginning "the Commons of your realm, as well spiritual as temporal, most humbly pray."²⁹ This petition, however, was probably passed by the clergy in the lower house of *Convocation*. It is to be remembered also that many clergymen were at this time ordinary members of the House of Commons.³⁰ Still in Edward VI's. reign the lower house of Convocation seems to have been of Atterbury's opinion.³¹

The treatise "*de modo tenendi parliamentum*" which Lord Coke reckoned of such authority, is shown by Dr. Hody to be a "mere invention, written not, as it pretends, at the time of the Conquest, but as late as Edward III. That bold writer has given us a description, not of a true English Parliament, but of a fancy of his own, such a one as he wished for, not such as he found here established."³² Yet in an *Irish* statute 28th Henry VIII., c. xii., the preamble makes the same assertion,

That two proctors of every diocese which in that kingdom had been used and accustomed to be summoned to every Parliament "were never any member or parcel of the whole body of the Parliament, nor have had of right any voice or suffrage in the same, but only to be there as counsellors and assistants to the same, and upon such things of learning as should happen in controversy to declare their opinions, much like as the Convocation within the realm of England is commonly at every Parliament."³³

The object of these pages is not to attempt a history of English Synods, but to sketch the rise and progress

²⁹ Rights, &c. 60.

³⁰ Hody, 429.

³¹ Vide *Infra*, chap. iv.

³² Hody, 121.

³³ Pearce's Law of Convocation, p. 18.

of their existing constitution. No account therefore has been taken of those Councils which do not offer evidence on the subject of the inquiry, nor of any whose evidence can fairly be disputed. It has been shown that our Convocations, both in name and thing, are of ecclesiastical not secular origin. Even the present form of their representative feature is due to the spiritual, more than to the temporal power. It was the gradual development and systematizing of an appearance given on behalf of the clergy from the earliest times. The process, it is true, was aided and determined by the necessity of meeting the pecuniary demands, or resisting the oppressions, of the monarch and the Pope. Similar was the origin of the House of Commons :—

“Till the commoners were generally summoned to a National Assembly, a great council of king and barons was the only Parliament, i. e., the only consultive and legislative body of the realm. * * * * When the commoners were thus formally summoned to convene with the lords, it was at first chiefly *de auxiliis assidendis et de scutagiis assidendis*, for assessing aids and subsidies to the king. Other privileges were sure to arise from the greatest right of giving money. So as when publick occasions required a supply, such a universal body or Parliament was to be called. But when the king had no such need of his people’s assistance, but only of his chief subjects’ advice, or their personal expedition with him, then he called only his bishops, greater prelates, and temporal lords, as to an extraordinary council.”—*Kennett Eccl. Syn.*, p. 225–227.

Again :—

“As in civil and mixed meetings or councils, so in pure ecclesiastical assemblies or Synods, the archbishop was the head or spiritual monarch; his suffragan bishops, and the greater abbots, were the associated peers. He ordained by their advice; and if any inferior priests or deacons were in the sect or retinue of the prelates, *or came to know how far their interest and duty might depend on the result of such*

synodical debates ; yet they did not offer to intrude or intermeddle, more than with their voluntary assent and approbation, or with their occasional dislike and aversion. This was long since the state of Councils and of Synods ; it is otherwise now, in our better constituted Parliaments and Convocations."—*Ib.* 229, 230.

Neither in Church or State, however, did such improvements in the legislature convert it into a new and different institution ; it continued in character and authority all that it was before, retaining every former element of power, and superadding others. The bishops and abbots in the Church, like the great men in the State, were long considered the proper ruling authorities ; the inferior body being consulted only (or chiefly) on the pecuniary matters which were thought most to concern them. In Parliament, no less than in Convocation, the distinction was drawn between the "advice" of the upper house and the "consent" of the lower. In the ecclesiastical body this distinction lasted longer (and in effect continues to this day), because the episcopate is gifted with a real pre-eminence in the divine system ; and *grace*, not money, makes the sinews of the Church's warfare. Still, as it is Parliament, not the House of Peers or the Privy Council, which constitutes the temporal legislature, so are the two Convocations the proper Ecclesiastical Synods of their respective provinces.

Doubtless King Edward I. would have had it otherwise. The convention of clergy intended by the *præmunientes* clause, and the provincial writ which under his successor was issued in its support, was truly a State assembly, wholly different in character and authority from a Church Synod. But that design is not to be confounded with the Convocations which preceded and

defeated it. The provincial writ to *Parliament* was not issued after Edward III., and though the clause remained in the bishop's writs, it had no operation in assembling the Convocations. These last were the Provincial Synods, convened by the archbishops in the accustomed canonical manner. On this point the clergy were immoveable. The compromise was that they consented to transact in such Synods the business which the king had intended them to transact in parliament. Hence the archbishops were obliged to convene them at the king's command whenever a parliament was summoned, and so Cardinal Pole told his Convocation in 1557 :—

“Quod cum de antiquo more rex Angliæ ob aliquot arduas causas prælatos hujus regni ad concilium sive parliamentum suum adesse jubet, propter regis securitatem et hujus regni statum ac bonum publicum concernent. concilia et auxilia sua impensuros ; ita archiepiscopus Cantuar. episcopos suos suffraganeos, prælatos, etc. ad sacrum Concilium evocare assolet de iisdem causis tractaturos, et auxilia sua consimili modo daturus.”³⁴

A double function thus arose in Convocation, which Kennet describes as follows :—

“The truth is, as our Convocations were intended for the king's temporal assistance, and the civil rights of the clergy, they were properly summoned with or near the parliament, and so far made a part of it. And as they are still summoned with every parliament, it is upon the old supposal that they have some concern there, to aid the king and maintain their own civil rights. But as our Convocations were proper ecclesiastical Councils, to debate and define the matters of faith and spiritual discipline, they bore no relation to a parliament, but were rather inconsistent with it, because the archbishop was not inclined (and if he were so, was sometimes expressly prohibited) to call his suffragans and clergy to a Synod when the

³⁴ Card. Syn. 448.

king had occasion for their attendance in parliament. So still, our ecclesiastical Synods to be summoned by the king's writ to the archbishop, are not confined to parliament time. They *may* be then held, but they may too at *other* seasons, if the exigence of affairs shall so require. And to deny that right, or omit the claim of it, is not to the liberty or honour of our English Church."³⁵

In short, the clergy not only succeeded in preserving the constitution of the Church from being merged in a general assembly of the estates of the realm, but by transacting the king's business in their own ecclesiastical Councils, they further acquired to those assemblies the political weight of a parliamentary chamber. Convocation was recognised both as the proper legislature of the Church *in merè spiritualibus*, and the constitutional representation of the clergy, as part of the body politick of the realm. Its two Houses passed their petitions and presented them to the king in parliament, by whose assent they became law, in like manner as the bills of the Lords and Commons.³⁶ Hence in the 18th Edward III., the Commons prayed,

"That no petition made by the clergy which is in decrease or damage of the Great Men or of the Commons be granted, till it be tried by the king and all his Council, that they may well hold it without damage of the Lords and of the Commons."

But when the Commons further demanded (51st Edward III.),

"that no statute nor ordinance be made nor granted at the petition of the Clergy, if it be not by assent of your Commons: nor that your said Commons be obliged by any constitutions which make for their advantage without the assent of your said Commons. For they (the clergy) would not be obliged by any of your statutes or ordinances made without their con-

³⁵ Eccl. Synods, p. 88.

³⁶ Hody, 424.

sent; the king was constrained to refuse with the civil avoidance, 'Let this matter be declared in special.'"³⁷

Without some representation in parliament the clergy would not be bound by its laws; on which account in the 21st of Richard II.,

"the Commons showed to the king how that before these times many judgments and ordinances made in parliament have been repealed and disannulled, because the State of the clergy were not present in parliament at the making of the said judgments and ordinances."

And upon this a schedule was delivered by the lords spiritual, and entered upon the records of parliament, in which the Archbishops of Canterbury and York, and the prelates and clergy of either province, having in right of their churches, and the temporalities of the same, "*jus interessendi in singulis parliamentis domini nostri Regis et Regni Angliæ pro tempore celebrandis, necnon tractandi et expediendi in eisdem,*" constituted Sir Thomas de Percy, knight, their sufficient proxy in the then parliament, "*quantum ad singula in instanti Parl. pro statu et honore domini nostri regis necnon regalæ ac quiete pace et tranquillitate regni, judicialiter justificanda.*" This would appear to have reference to the trial of Arundel, Archbishop of Canterbury, who was immediately after impeached by the Commons of high treason, a proceeding in which the bishops who ordinarily represented the Clerical estate in parliament, could not be present.³⁸

In the 4th year of this king the clergy again vindicated the distinct character and rights of their Convocations. The House of Commons wished to make

³⁷ Hody, 417.

³⁸ Hody, 420.

their vote conditional on the clergy giving their proportion, but the clergy replied

"that their grants never had been, nor ought to be, made in *parliament*; that neither could the laity constrain them in this respect, nor they the laity: praying the king withal that the liberties of the Church might be still preserved, and that the Commons should do their duty as the clergy would do theirs, and had always done."³⁹

Many instances occur of petitions said to be exhibited by the clergy in parliament, which are to be understood as having been passed in *Convocation* sitting during parliament time. For such was the regular action of the Church and State; the clergy assembled apart in Convocation, where the lords spiritual first met them in synod and then acted on their behalf in parliament. Hence in the parliament rolls of Henry VI., and afterward,

"the three estates of parliament are made to be the Bishops, Lords, and Commons; though in reality the three estates of the realm are the Clergy, Nobility, and Commonalty."⁴⁰

Convocation, in short, when sitting by virtue of the king's writ, was considered the *parliament house* of the Clergy, or "holy Church:" and so completely was this character established, that in the 21st Henry VIII., it was agreed by a committee of both houses of parliament, that a clergyman could not be a member of the House of Commons "because he was represented in another house."⁴¹

³⁹ Rights, &c., p. 374.

⁴⁰ Hody, 426. See also Atterbury's *Rights*, &c. 379. "Tres Status Regni, viz., Prælatos et clerum, Nobiles et magnates, necnon et Communitates dicti Regni—ad palatium suum Westminster . . . juxta morem et consuetudinem ejusdem (rex) fecerat convocari:—coram quibus tribus statibus idem serenissimus Dominus Rex," &c.—*Rot. Parl. 9 Henry V.*

⁴¹ Rights, &c., 71.

These political and parliamentary powers, however, could not alter the original character of the Convocation, as the Provincial Synods of the Church. Whether called in obedience to the king's writ, to aid or counsel him in time of parliament, or summoned by the archbishop alone, to consult upon the defence and reformation the Church, they were uniformly cited, opened, continued, and dissolved, by the metropolitan in due canonical form. The execution of their decrees and the attendance of their members were enforced by spiritual censures; and so little were they thought to derive their being from the king's writ, that the Convocation last assembled under Henry IV. continued to sit for two months after his decease.⁴²

⁴² Rights, &c., p. 18.

CHAPTER IV.

OF CONVOCATION SINCE THE REFORMATION.

Protestant Appeal.—*Reformatio Legum Ecclesiasticarum*.—Henry VIII.—Cresaro-papacy.—Convocations.—*Premunientes* Clause.—King in Convocation.—Reduction of numbers.—Act of Submission.—Royal Supremacy.—Limitations implied.—Edward VI.—Weakness of the Church.—Petition of Lower House.—Papal authority restored by Mary.—Queen Elizabeth.—Archbishop Parker's Form.—Restoration of Charles II.—Treating with Nonconformists.—Assembly of Convocation.—Subsidies discontinued.—Spiritual authority remains.—Revolution of 1688.—Clergy distrustful of the Court and of the Bishops.—Address of Parliament for a Convocation.—Tillotson rejected from being Prolocutor.—Breach between the two Houses.—Sacrifice of the Liturgy by the Bishops.—Firmness of the Clergy.—The Protestant Religion.—Subsequent errors of the Lower House.—Burnet.—Queen Anne.—Business in Convocation.—Hoadly's Sermon.—Suspension of Convocation.

THE Reformation, which effected so extensive a revolution in the doctrine, discipline, and ritual of the Church of England, was not intended to destroy her identity as a spiritual Corporation. It preserved therefore unchanged her corporate authorities—the Convocations of the two Provinces.

The demand of the Reformers at the outset of the Protestant movement was for a free Council to examine and redress their grievances. Wherever their cause obtained a hearing, it uniformly appealed to this ancient and decisive test of Christian truth. In our own country the duty and value of Church Synods were affirmed in the strongest language, by Cranmer and his associates, in the *Reformatio Legum Ecclesiasticarum*. In addition to the regular Provincial Convocations they

provided also for the restoration of the Diocesan Synods, and for Synods of the Bishops among themselves, in order to the due administration of the executive government of the Church. "For a Synod," they repeat, "is truly the most proper remedy to chastise negligence and to take away errors which the devil and wicked men often sow in the Church."¹ The improvement of spiritual discipline, however, was a branch of the Reformation which found little favour with Henry VIII. and his abbey-hunting nobility.

The king was simply bent upon a *Cæsaro-papacy*.

"Foreseeing great danger to the State"—that well-worn cloak of arbitrary power—"if he did not require the same subjection to *himself* which had hitherto been yielded to the Pope, he resolved that the legislative authority of the Church should be curtailed, and that its whole jurisdiction for the future should originate and end in the Crown."²

He accordingly seized into his own hands the power which the Pope had usurped over the national Church, and after suppressing the monasteries left the remainder of her discipline much as he found it.

The two Convocations were made an important instrument in effecting every change. It was here that Henry recognised the authentic voice of the spirituality, whose independent function was asserted as the basis of the Reformation in the statute against Appeals. (24 Henry VIII. c. xii.) Here, therefore, he procured the acknowledgment of his supremacy and the repudiation of the Pope's, before the statutes of 1533 (25 Henry VIII. c. xxi.) and 1534 (26 Henry VIII. c. i.) were enacted.³

¹ Ref. Leg. Eccl. de Ecclesiæ et Ministris ejus, cap. xix.

² Card. Synod. Pref. iii.

³ The king was acknowledged as *Supremum Caput* in the Convocation

To the same tribunal he submitted the question of his marriage with Katherine; and the judgment of "the bishops and learned men of the realm given in their Convocations" was constantly appealed to in support of the acts and ordinances of the state.⁴

At one time Henry was inclined to enforce the *Præmunientes* clause, and the terrified bishops advised the clergy to furnish their proctors in Convocation with powers to treat in Parliament also.⁵ Wake, however, has printed in his Appendix, No. 226, the *Procuratoria* of the Chapter of York, by which it appears that they constituted different proctors for the two assemblies. But this was not of any duration. The arbitrary king preferred to exercise his ecclesiastical supremacy apart even from his subservient Parliament. In Convocation he presided in person, or by his vicergerent,⁶ above the spiritual Orders, which he acknowledged to be of divine institution, but over whom he challenged a yet higher authority to himself, accom-

of Canterbury 22nd March, and in that of York 4th May, 1531. The Submission of the Clergy was passed in the Convocation of Canterbury 16th May, 1532, and probably in York the same year, but the records are not found. The declaration against the Bishop of Rome passed in Canterbury 31st March, and in York 5th May, 1534.

⁴ See the preamble of 25 Henry VIII. c. xix.; also 5 and 6 Edward VI. c. xii, reciting that the marriage of priests had been declared most lawful by the learned clergy of the realm in their Convocations. This declaration was made in Canterbury Convocation 17th Dec., 1547.—*Card. Syn.* 424.

⁵ Wilkins, i. xxi.

⁶ "Magister Willielmus Petre allegavit quod ubi hæc Synodus convocata sit auctoritate illustrissimi principis, et dictus princeps supremum locum in dictâ Convocatione tenere debeat, ac eo absente honorandus magister Tho. Cromwell Vicarius Generalis ad causas ecclesiasticas ejus vicemgerens locum ejus occupare debeat," &c.—*Acta Conv. apud. Atterbury, Rights*, 396.

panied by a personal illumination from above, practically nothing short of infallibility.

Two changes the Convocations now experienced: first, a large reduction in number, by the suppression of the religious Orders; and secondly, the restraint laid upon their proceedings by the Act of Submission. In this act, and in the submission previously extorted from the clergy, it was recited that "the Convocations of the same clergy"—which obviously meant only the spiritual Council of the Church, since it was not against subsidies, but against the power of making canons, that the enactment was directed—"are, always have been, and ought to be, assembled only by the king's high commandment of writ." But this statement is historically untrue, since no monarch after William Rufus ever claimed more than to require the assembly of Convocation when necessary for the service of the Crown; and in this very reign Archbishop Wareham had himself assembled his Convocation without the previous authority of the king.

The Act of Submission further deprives the Convocations, when assembled, of all power to make canons without the royal assent, a measure which exceeded any former prerogative of either Pope or Prince. The one had asserted a power to overrule the constitutions of the national Church when inconsistent with the views of Rome; and the other had prohibited canons made in derogation of the rights of the Crown or the laws of the land. But neither had denied to the bishops and clergy the authority, inherent in their function, to provide for the peace and good order of their flocks. For the honour of the Reformation, therefore, it must be remembered that the king's new title of *Supremum*

Caput, as well as the older one *Fidei defensor*, implied duties no less than privileges. The least that can be presumed to have been intended was the engagement proclaimed in King Charles's declaration, to afford all necessary facilities "that Churchmen may do the work which is proper unto them." Upon no other understanding could the clergy have yielded this submission, without abandoning the spiritual charge of Christ's flock. Consequently Archbishop Wake does not hesitate to declare that should such opportunities be withheld, the submission would be at an end. In his own words,

"The prince would only have the name of a Christian, but would act like an Infidel, and so having thrown off the care and protection of the Church, it would necessarily return to the bishops and pastors, to whom Christ committed it."

This essential power Henry, with all his arbitrary and rapacious disposition, ever allowed the Convocations to enjoy. Under Edward VI. they were in more danger, from the inordinate exercise of the royal supremacy by the Council of State. The Church had lost the external succour of the Roman Pontiff, without having acquired any sufficient centre of spiritual authority within the realm. How little was to be expected from the bishops in the House of Lords was soon discovered, and the clergy were fain to solicit from the triumphant laity, as a boon, that which they had so long rejected when offered in the writ of *præmunientes*.

In the Convocation begun 5th Nov., 1547, the clergy requested,

"That according to the ancient custom of this realm, and the tenor of the king's writs for the summoning of the Parlia-

ment, which be now and ever have been directed to the bishops of every diocese, the clergy of the lower House of Convocation may be adjoined and associated with the lower House of Parliament; *or else*, that all such statutes and ordinances as shall be made concerning all matters of religion and causes ecclesiastical, may not pass without the sight and assent of the said clergy.”—*State, &c.* 592. *Card. Syn.* 421.⁷

Mary, however, soon brought the Church and her Convocations again under the legantine yoke. In that capacity Cardinal Pole held a National Synod A. D. 1555; and as Cranmer was under suspension, the legate himself addressed the convocation mandate to the Bishop of London as dean of the Province of Canterbury.⁸

Queen Elizabeth, from whom the English Refor-

⁷ Bishop Burnet has raised a doubt whether the Articles of 1552 passed the Convocation, thinking it more probable that they were prepared by Cranmer and Ridley, and published by the royal authority without any Synodical sanction. His reason is, that without a miracle the majority of the Convocation at that time could not have been got to adopt them. This opinion is concurred in by Heylin, Fuller, and Dr. Lamb. But it is to be considered, on the other hand, first: That the title of the Articles expressly runs, “de quibus in Synodo Londinensi, A. D. 1552, inter episcopos et alios eruditos viros convenerat,” which implies, at the least, a *delegation* of both Houses of Convocation. Secondly, That in 1547 the majority of the lower House of Convocation had declared in favour of the Communion in both kinds, and of the marriage of priests; which were points as offensive to the Romanists as any others; and thirdly: That in the Convocation of 1562 these Articles were described in the Upper House by the Prolocutor of the Lower as “Articuli in Synodo Londinensi tempore nuper Regis Edw. sexti editi.”—*Synod. Angl.* p. 193. See further in *Atterbury, Rights, &c.*, p. 408, and *Card. Synod.* vol. i. pp. 1–7, notes. The *Liturgy* was certainly compiled as is recited in the preamble, of 2 and 3 Edward VI. c. i. “by the Archbishop of Canterbury and certain of the most learned and discreet bishops and other learned men of the realm,” appointed by the king, but who were looked upon as a committee or delegation of Convocation.

⁸ *State, &c.*, Appx. No. clii.

mation properly dates, revived the supremacy of the Crown, though without the ambiguous and offensive title of "Supremum Caput," and even exercised it so far as to disallow one of the articles agreed upon in Convocation A.D. 1675. At her accession the Convocations were filled with bishops and dignitaries hostile to herself and to the Reformation, and some irregularity was perhaps unavoidable⁹ Still the Convocations were preserved in the exercise of their functions, and Archbishop Parker compiled with much care from ancient precedents the "*Forma sive Descriptio Convocationis celebrandæ*," which still regulates the ceremonial of that province.¹⁰

After this the synodal action of the Church met with no interruption till the altar and the throne were subverted together in the Great Rebellion.

At the Restoration one of the measures first promised by the king was to convene a synod to settle the affairs of the Church.¹¹ From this intention a dis-

⁹ The Liturgy was not subjected to the review of Convocation, or of any committee, but restored (after a revision in virtue of a royal Commission) by the Act of Uniformity, 1 Eliz., cap. ii.; and as all the bishops present voted against the passing of this Act, the words "lords spiritual" are omitted in the enacting clause. Nevertheless the preamble of 13 & 14, Charles II., cap. iv., recites that the Liturgy, so enjoined by the 1 Eliz., was compiled "by the reverend bishops and clergy," a phrase which in propriety can only mean the Convocations. It would seem, therefore, that the Synodal sanction given under Edward VI. was considered as still sufficiently in force to be acted upon by Parliament. The *Thirty-nine Articles* were duly subscribed 29th January, 1562, by the bishops of both provinces and the Lower House of Canterbury. For the proceedings in the Lower House at York, see *Bennett's Essay*, p. 206, and *Acta. Conv. Ebor. infra*.

¹⁰ This Form is printed at length by Bishop Gibson, in the Appx. to *Synodus Anglicana*, and by Atterbury, *Rights, &c.*, Appx. xxiii.

¹¹ "We did intend, upon our first arrival in this kingdom, to call

position to recede was afterwards manifested, not as has been lately conjectured, because any "inconvenience" was apprehended from holding the two Church Parliaments,¹² but because the court had designs of treating with the non-conformists, and already dreaded the fidelity of the clergy to the Liturgy, for which they had suffered so much. It is curious to observe the argument by which the ministers of that king whose father fell a martyr to the Church, were shamed out of this ungenerous policy. The irresistible appeal for Convocation was, "that this poor Church may be held with some degree of veneration, both at home and abroad."¹³

The granting of subsidies in Convocation was now brought to an end by an agreement made between Archbishop Sheldon and the Chancellor, Lord Clarendon, that spiritual promotions should be liable to the taxes granted in parliament. So far were those great men from imagining the imposing of taxes on ecclesiastical property to be the principal end of Convocation, that they treated this as an accident which might be separated with advantage: and they met with neither impediment nor remonstrance in effecting their design. By this great change in the constitution—the greatest, as Bishop Gibson declared, that was ever made without an express law—the clergy acquired the elective franchise as freeholders in their respective counties; and so all ground for a distinct summons to *parliament* was taken away. The Writ of *Præmu-*

a Synod of divines, as the most proper expedient," &c.—*King's Declaration*, 25th Oct., 1660.

¹² "Synod. Ebor.," by the Rev. W. H. Dixon, p. 5.

¹³ Letter from Dr. Heylin.—*Collier*, ii. p. 886.

nientes was here absolutely extinguished ; but without in any way affecting the Convocations as the spiritual Councils of the Church. As such they continued to meet and act till the Revolution of 1688.¹⁴

That great political revulsion again left the clergy in opposition to the ministers of the Crown, and distrustful of the episcopal bench, which after the deprivation of the Archbishop of Canterbury and eight bishops by act of parliament, was largely recruited with political partizans.

Neither William of Orange, nor his English advisers, had much respect for the clerical function. But on the introduction of a bill into parliament for the comprehension of Dissenters within the Church Establishment, both Houses demurred, and addressed the Crown, that according to the ancient practice and usage of this kingdom in time of parliament, His Majesty would be graciously pleased to issue forth his writs as soon as conveniently might be for calling a Convocation of the clergy of this kingdom to be advised with ecclesiastical matters.

“This feeling was so strong, and the sense of its justice was so general, that Dr. Tillotson, though anxious to promote the cause of the Nonconformists, yielded to the necessity of the case, and urged his royal master, whose confidence he now enjoyed, to issue his writs for the meeting of a Convocation.”¹⁵

¹⁴ “The House of Lords in 1675, and again in 1677, addressed the Crown for the more frequent assembling of the clergy.”—*Card. Syn.* 692. Atterbury says, “The parliament have a right of being attended by them as their proper assistants and councillors in matters ecclesiastical.”—*Rights, &c.*, 382. “Sometimes the Lords, and sometimes the Commons, were wont to send to the Convocation for some of their body to give them advice in spiritual matters.”—*Gilb. Exch.* 60, *apud. Burns.*

¹⁵ *Card. Conf.* 410, 11.

Dr. Tillotson, however, at the election of the prolocutor was rejected by a large majority, and the Convocation was quickly prorogued by the king's command, in consequence of the refusal of the lower House to concur with the bishops in the recognition of the foreign non-episcopal Protestants as Churches in communion with our own.

The conduct of the lower House in the disastrous period which now ensued cannot be justly estimated without bearing in mind the lengths to which the court and the bishops were prepared to proceed. A royal Commission had issued before the meeting of Convocation to Lamplugh, Archbishop of York, with nine bishops and twenty doctors, to prepare

“such alterations of the liturgy and canons, and such proposals for the reformation of ecclesiastical courts, and to consider such other matters as might most conduce to the good order and edification and unity of the Church of England, and to the reconciling as much as possible of all differences.”

A paper of “Concessions” which this commission was expected to propose the Church of England should make for the union of Protestants, was sent to the minister of the Crown by Tillotson and Stillingfleet, two of its members. They comprised :—

“1. The leaving ‘indifferent’ all the ceremonies enjoined or recommended in the liturgy or canons. 2. The review of the liturgy in order to remove all ground of exception to any part of it. 3. A general declaration and promise of submission to the Church of England instead of all former declarations and subscriptions. 4. A new code of canons. 5. The reform of the ecclesiastical courts. 6. The admission of the orders of ‘the foreign reformed Churches,’ as qualifying for preferment in this Church. 7. Conditional reordination of those ordained by presbyters in England, without calling upon them to renounce their former ordination.”¹⁶

¹⁶ Card. Conf. 413.

The commissioners, it appears, did not disappoint their employers. In addition to the concessions thus prepared, they agreed to abolish the chanting in cathedral churches—to select some “proper and devout” Psalms for Sundays—to “throw out” not only the Apocryphal Lessons, but those of the Old Testament “which are too natural”—to omit the cross in baptism for those who in conscience scrupled it—to administer the Lord’s Supper “in their pews” (!) to those who refuse to receive it kneeling—to change the rubric which obliges ministers to say the common prayer daily into an *exhortation to the people* to frequent the prayers—to alter “priest” in the rubric before the absolution into “minister,” and “put out the remission of sins *as not very intelligible*” (!)—to omit *Gloria Patri* at the end of all the Psalms but the last at morning and evening prayer—to change most of the collects for some enlarged ones “*more sensible and affecting*.” (!)—as for the surplice, “to leave the whole thing to the discretion of the bishops”—to allow parents to stand as sponsors for their children, and to *explain* the Athanasian Creed, which they would not wholly reject, “lest it should be imputed to them by unreasonable persons as Socinianism.”¹⁷

Among Bishop Burnet’s papers has been found a bill ready drawn to abolish the subscriptions, &c., as thus proposed—to dispense with the surplice except in the king’s chapels and cathedral and collegiate churches—to dispense with the cross in baptism—to allow parents to stand as sponsors—to allow the sacrament to be received sitting—and to sanction “a second imposition

¹⁷ Card. Conf. 430.

of hands from *some* bishop" on those who had received presbyterian orders since 1660; "the bishop to frame his words and testimonial *to the mutual satisfaction of himself and the ordained*, till a form on purpose be by a Convocation and a law established."¹⁸

Such, then, were the measures in preparation when the king in a message by the Earl of Nottingham declared to the Convocation his

"pious zeal to do every thing that may tend to the best establishment of the Church of England, which is so considerable a part of the Reformation."

and assured them he

"would offer nothing to them but what should be for the honour, peace, and advantage, both of the Protestant religion in general, and particularly of the Church of England."

In reply to this the upper House drew up an address thanking the king for "the zeal he showed for the Protestant religion in general and the Church of England in particular." To this expression the clergy excepted, and insisted upon confining themselves to the Church of England. Ultimately the two houses agreed to thank the king for the zeal he had showed

"for the honour, peace, advantage, and establishment of the Church of England; whereby we doubt not the interest of the Protestant religion in all other Protestant Churches, which is so dear to us, will be better secured."

The bishops pressed hard for the words, "*this and all other Protestant Churches*," but the lower House positively refused. The king in answer to an address from the bishops upon his birth-day, had declared that "he desired to live for no other end but to serve this nation and this Church." But the disposition mani-

¹⁸ Card. Conf. 456.

fested by the clergy and a large part of the nation having convinced him of the impracticability of his schemes, he suppressed the contest which they had excited between the two Houses of Convocation, by a series of successive prorogations.

It has been the fashion of late years to charge all the blame of the subsequent discord upon the lower House ; and it must be admitted that the alarm and indignation of the clergy, at what they considered the treachery and cowardice¹⁹ of their superiors, did occasionally carry them into unjustifiable extremes. But no one who values the sacramental system, or even the liturgy of the Church of England, can look back upon what was then attempted, without perceiving that nothing, under GOD, but the courage and constancy of the lower House of Convocation, saved these choice treasures of the Reformation from the destroying hands of the revolutionary bishops.

In the strife which was now begun, the clergy erroneously claimed for their House kindred privileges to those which the Commons had secured in

¹⁹ So early as 1675, Dr. Tillotson wrote to Baxter in these words ; " I took the first opportunity after you were with us to speak to the Bishop of Sal—, who promised to keep the matter private, and only to acquaint the Bishop of Ch— with it in order to a meeting. But upon some general discourse I plainly perceived several things could not be obtained. * * * I am unwilling my name should be used in this matter, not but that I do most heartily desire an accommodation, and shall always endeavour it. But I am sure it will be a prejudice to me, and signify nothing to the effecting of the thing, which, as circumstances are, cannot pass in either House, without the concurrence of a considerable part of the bishops and the countenance of his Majesty, which at present I see little reason to expect."—*Card. Conf.* 396. Wake in his speech at the trial of Sacheverell declared his own complicity in these designs, and even pretended that Sancroft was concurring likewise.

parliament. Some mistakes were occasioned by the want of the Convocation records, destroyed in the great fire of 1666, and when these were set right the lower House was still impatient of the limits to which the bishops, appealing to the established practice and principles of Ecclesiastical Synods, insisted upon confining it. The nation became offended by a discord between their religious guides, in which neither party maintained the proper decorum of their function. Bishop Burnet, with his usual coarseness, in a charge to his clergy, designated the majority of the lower House as "enemies to the bishops, the queen, and the nation." The clergy complained of the insult to the upper House, and obtaining no satisfaction from Archbishop Tenison, who defended the bishop, they retaliated by further encroachments on the rights of the episcopate.

Queen Anne, who was at first favourable to their cause, having now commanded a prorogation, sternly rebuked the freedom with which the lower House reflected on this proceeding as a breach of their privileges. In 1710, however, the Convocation received the royal license to deliberate, which was "issued without consulting the archbishop or his brethren, and even without observing the ancient provisions for a *veto* in favour of the archbishop."²⁰

After this the two Convocations proceeded in their annual sittings for some years. In the southern province a variety of useful ecclesiastical reforms were discussed, among which were forms for proceeding in cases of excommunication; canons for matrimonial licenses, and against clandestine marriages; a form for

²⁰ Card. Syn. 725.

admitting converts from the Church of Rome, another for consecrating churches, and a declaration to enforce the seventy-fifth canon. The unhappy breach, however, created between the two Houses by the policy of the Revolution, prevented any of these measures from being brought to a conclusion.

At last in 1717 the lower House complained to the upper of Bishop Hoadly's sermon on the Kingdom of Christ, and of his book entitled "A Preservative against the Principles and Practices of the Non-jurors, both in Church and State." The sermon having been preached before George I., and printed by his special command, it was determined not to allow the Convocation to proceed in its condemnation. The royal writ was therefore hastily issued for a prorogation, and no Convocation was assembled again till the controversy had subsided.

From that time to the present the Convocations have never received a license from the Crown, nor been permitted by the archbishops to hold more than formal meetings. The Church was left to the executive authority of the bishops in their several dioceses; its subserviency to the court being secured by Sir Robert Walpole's expedient of a political use of the Crown patronage. Bishops originally nominated upon this system were chained to its continuance by the golden links of successive translations. Power so acquired was naturally devoted to the aggrandizement of themselves and their families. Ecclesiastical discipline was everywhere relaxed. Sloth and luxury increased among the higher clergy; while the parochial ministers, instead of elevating the laity, became themselves contaminated

by the gross debauched manners of the day. *The Church* was made a tavern toast, but her Sanctuaries were ill-served and neglected. The Sacraments were degraded into a registration and a test. Piety came to be looked upon as disaffection, and earnestness to be reviled for enthusiasm;—till the great Wesleyan schism closed the dark annals of the eighteenth century, and proclaimed in a voice of thunder the consequences of attempting to rule a large, intelligent Church, without the help of common deliberation and representative institutions.

CHAPTER V.

OF THE CONVOCATION OF YORK.

Metropolitan Jurisdiction.—Eborius, Sanxo, Paulinus.—Egbert.—Ecclesiastical Code.—Eanbald.—Northumbrian Laws.—Thomas.—Subjection to Canterbury.—Thomas II.—Thurstan.—Scottish Sees withdrawn.—Disputes with Canterbury.—Provincial Synod at Ripon.—Attire of the Clergy.—Usage as to Canterbury.—Its Canons adopted 1463 and 1466.—Subsidies.—Diocesan Synods.—Cardinal Wolsey.—Reformation.—Supremum Caput.—Tunstall's Protest.—Repudiation of the Pope.—Queen Elizabeth.—Articles of 1562.—Canons of 1604.—Canons of 1640.—Review of Liturgy, 1661.—Suggestions from York.—*ACTA CONVOCATIONIS EBOR.*

THE Provincial Synod being a necessary appurtenance to metropolitan jurisdiction, the Convocation of York is of no less antiquity and authority than that of Canterbury. Its earlier history, however, is involved in still greater obscurity, from the difficulty with which episcopal sees were planted and maintained in the north of England. Eborius was doubtless the metropolitan of this province in 314, and Sanxo, or Sampson, whose name is still retained by one of the churches in York, attained to the same dignity A. D. 490.¹ Paulinus, however, was archbishop without a single suffragan A. D. 625-638. After him the see was *vacant* for thirty-four years, and then five² bishops succeeded without the metropolitan dignity.

¹ Orig. Brit. p. 329.

² Johnson says *eight*, but we have the names only of Ceadda, Wilfrid, Bosa, St. John of Beverley, and Wilfrid II.

The *Excerpta* of Archbishop Egbert have already been mentioned. He was such a prodigy of learning as to be called "master" by the renowned Alcuin. From the last question in his Dialogue it is evident he had several bishops under his jurisdiction,³ who were probably content to accept his constitutions without the form of a synod. His constitutions, enlarged by succeeding archbishops, are supposed by Johnson to have formed the ecclesiastical code of the province of York for three hundred years.

A Provincial Synod assembled at York A. D. 785, "before Algwald the king, and Eanbald the archbishop, and all the bishops and abbots of the country, and the senators and dukes and people of the land," where the legantine constitutions were adopted and subscribed by the king, the archbishop, four bishops (two of whom were Scots), the priests and deacons of churches, abbots of monasteries, judges, nobles, &c.⁴

If it be true that the Archbishop of York professed obedience to the southern primate in 796,⁵ it might be thought the constitutions of Canterbury would have been thereby received into his province; but this is contradicted by the fifty-sixth and some others of the *Excerpta*, where particular canons of Theodore are by succeeding archbishops specially re-enacted for York. The laws of the Northumbrian priests also (*circ.* A. D. 950) indicate that this was then both a

³ "Explain to us by a unanimous sentence . . . (the Ember Fast) that so they may be uniformly kept in every one of your sees and in the Church of the English."—*Johnson's Eccl. Laws*, vol. i.

⁴ *Johnson's Eccl. Laws*, vol. i. Wilk. i. 145.

⁵ See p. 17.

distinct province and nation, and had its ecclesiastical as well as temporal authority to enact them.⁶

Archbishop Wulstan is associated with Odo of Canterbury as adviser of King Eadmund, in the Great Synod of London, *circ.* 943.⁷

Little further appears respecting the archiepiscopal jurisdiction of York till the Conquest, when Thomas (said to be the Conqueror's chaplain) was consecrated to this see by Lanfranc (A. D. 1070). The two archbishops going together to Rome for their palls, immediately revived the ancient controversy respecting the primacy. This was decided against York at the Council of Windsor A. D. 1072. It was then decreed that whenever the Archbishop of Canterbury thought fit to hold a Synod the Archbishop of York should be obliged to attend it "*cum omnibus sibi subjectis episcopis, et ejus canonicis dispositionibus obediens existat.*"⁸ At the same time the diocese of Durham, with all Britain beyond Humber to the extremity of Scotland, was assigned to the province of York; but the archbishop was enjoined to swear obedience to the see of Canterbury, and to repair to that Church both to be consecrated himself and also to consecrate the Archbishop of Canterbury when requisite.⁹

This subjection to Canterbury was again contested by Thomas II., and so resented by Thurstan, his successor, that he renounced his election rather than submit.¹⁰ Upon this Honorius granted him a bull, to preserve undiminished the ancient dignity of the

⁶ Eccl. Laws, vol. i.

⁷ Ibid.

⁸ Hody, iii. p. 12. Vide *supra*, p. 21.

⁹ Wilk. i. 325. Johnson's Preface to Lanfranc's Canons.

¹⁰ Wilk. i. 390.

Church of York. The oath of obedience and all subjection to Canterbury were abolished, as contrary to the decree of St. Gregory,¹¹ and the rule was restored for the senior primate to take precedence of the other. It was further conceded, that if the Archbishop of Canterbury should refuse consecration, the lord elect of York might be consecrated by his own suffragans, or repair to the Pope himself.¹² Accordingly, at the consecration of Anselm (A. D. 1092), the Archbishop of York objected to the designation "*totius Britanniae metropolitana*," and the word *primas* was substituted in acknowledgment of the independence of the other.

Notwithstanding the northern metropolitan continued to lose ground. Canterbury, the favourite of all our monarchs, ceased not to encroach upon his independence. In 1191 the church of Scotland was withdrawn from his jurisdiction by Pope Celestine,¹³ and not long after Corbel, Archbishop of Canterbury, held a Legantine Council in York itself, the dean and chapter protesting against him as archbishop, but being compelled to yield to his authority as legate.

At another Legantine Council, under the same arch-

¹¹ Gregory granted the primacy to Augustine for life, and directed the two archbishops to be afterwards independent of each other, with precedence to the senior by consecration.

¹² Wilkins, i. 407.

¹³ In 1176, when the King, and six bishops of Scotland, with others, came to a parliament at Northampton, to profess allegiance to Henry II., the bishops denied any subjection to the Church of England. The Archbishop of York produced records showing that the see of Glasgow was subject to his Church, but the Archbishop of Canterbury opposed him, laying claim to all Scotland himself. The Scottish bishops, to escape both, subjected themselves to the see of Rome.—*Hody*, 237 *Wilkins's Conc.*, i. 495.

bishop, at Westminster, A. D. 1127, canons were made for the whole English Church. And this, the first complete subjugation of the northern Province, is observed to be also "the first time that laws were imposed upon this nation by authority of Peter the Prince of the Apostles, and the Apostolic See."¹⁴

The Archbishop of Canterbury now grew to be considered "*quasi papa alterius orbis*;" he was styled *legatus natus* of the Pope, and except when this office was suspended by the appointment of a legate *a latere* (a character sometimes enjoyed by the Archbishop of York), the northern prelates and clergy were obliged to obey his summons to the ecclesiastical Councils at London. This obligation would of course discourage the assembly of the Provincial Synod of York, and the Diocesan Synods appear to have largely supplied its place.¹⁵

¹⁴ Hody.

¹⁵ It must be allowed that the two most reverend fathers conducted their controversy with a more vigorous application of the temporal weapon than was consistent with their sacred character. The student of our Councils is startled by the heading "*Archiepiscopus Ebor. fustigatur in Concilio*;" and it is impossible not to sympathize with his grace's objection to attend at debates ending in such results. The northern primate, it seems, having come to a Legantine Council at Westminster (A. D. 1175), found the right hand of the legate already occupied by his grace of Canterbury, the other side being allotted to himself. Our primate (being probably the senior bishop) "disdained to sit at the left," and not having the fear of numbers before his eyes, endeavoured to force himself in between the southern metropolitan and the representative of his Holiness. Canterbury resolutely sitting close, the exasperated York seated his most reverend person, with more weight than dignity, in his grace's lap! To save their primate from this uncanonical deposition, the bishops and clergy of the south rushed upon the invader, knocked him down, and with a sound cudgelling, thrust him headlong out of doors!—*Wilk.* i. 485.

Stubbs, who writes like an archbishop's chaplain, tells us of another

Walter Gray, as legate of the apostolical see, published Provincial Constitutions in 1250, without assembling the Synod; and the authority of these canons was so great that some of them were afterwards copied in the province of Canterbury.

primate of York who, when a lower seat was placed for himself than for his brother of Canterbury, "*invoked the curse of God in the vulgar tongue* upon the man who set that stool, and kicking it over with his foot, demanded another as high as the Archbishop of Canterbury's." This is perhaps the earliest instance of a colloquialism long connected with the English name, but which is not generally attributed to such worshipful parentage.

Sir Francis Palgrave, in his story of "the Merchant and the Friar," gives a diverting picture of the adventures of an Archbishop of York in his passage to London through the enemy's country; for such, to all intents and purposes, was the rival province. The authentic history is in no degree less entertaining. William Wickwane, Archbishop of York in the reign of Edward I. complained to the Pope of my lord of Canterbury's opposition to his exhibiting the usual ensign of metropolitan power. According to this letter, the measures resorted to by the primate of the south were of the most summary character. One of his officers, Adam de Hales, "rushed like a madman" upon the party, and scandalously broke in pieces the cross, which, according to ancient usage, and in the plenitude of his archiepiscopal dignity, was borne before his grace of York. At this disadvantage the northern primate comported himself with becoming resolution. "Thanks be to God," his grace piously writes, "I soon caused *another cross to be raised and carried before me.*"—*Wilkins*, ii. 43.

The same letter complains to the Most Holy Father that the Archbishop of Canterbury forbade food or lodging to be supplied to his brother primate while travelling in his province, and even placed the district in which he sojourned under an interdict, "exactly as if we were heretics." There is, in fact, a letter on record to this effect, from Archbishop Winchelsey to the Bishop of Lincoln, A.D. 1300, commanding him to prevent the Archbishop of York from having his cross borne in that diocese—ordering the people not to kneel for his blessing—and in the places which he passed, divine service to be suspended, and the bells to cease from tolling!—*Ibid.* p. 265.

The objection to two crosses being borne in one province was aduced (1325) by Walton, Archbishop of Canterbury, against the Archbishop of York's appointment to the office of High Treasurer;

In 1306 William de Grenefield, in the Synod at Ripon, ordained that "since the Archbishop of York, Primate of England, hath no superior in spirituals except the Pope, none of our subjects may appeal to the Archbishop of Canterbury."¹⁶ At other times the ambition of the northern Synods was content with a lower range. In the Synod of 1360 the second constitution forbids parents and nurses from having infants with them in bed, for fear of suffocating them; and the fifth, relating to the attire of the clergy, complains that many wore clothes "ridiculous for their shortness, and sought glory from their shoes! their apparel not reaching even down to their knees, out of an affectation to show their shapes."¹⁷

At this time it would seem the diocesan clergy

but not being admitted, he proceeded to *excommunicate* the other for carrying his cross in the city of London.—*Ibid.* 526.

The dispute was compromised (A. D. 1354), by permission being given to the Archbishop of York to bear his cross in the province of Canterbury, on condition that within two months from his consecration he should send to the altar of St. Thomas à Becket *a golden image of an archbishop bearing a cross*, of the value of forty pounds. This tribute was to be presented either by his chancellor, a doctor of laws, or a knight. The Archbishop of Canterbury was to enjoy the same privilege in the province of York without any condition.—*Wilkins*, iii. p. 31.

The settlement of this highly important question must have been a mighty relief to the chaplains and cross-bearers of the Archbishop of York, whose situations involved a service of no little danger. The disadvantage was all on their side, since their lord was constantly journeying to the south, to attend in Parliament, while the Archbishop of Canterbury but rarely afforded them the delights of retaliation by venturing into the north. They were anticipating that satisfaction in 1314, when a parliament was summoned at York, but the king forbade the sport under pain of the Archbishop of York forfeiting all his goods.—*Wilkins*, ii. 448.

¹⁶ Wilkins's Conc. ii. 285.

¹⁷ Archbishop Zouche's Constitutions, 1347. Eccl. Laws, vol. ii.

were not *always* summoned to the Provincial Council; for in 1311, when a Provincial Synod was called in York on the affairs of the Templars, no diocesan proctors were cited, but only the prelates and *capitular* proctors, though in the Convocation of Canterbury the following year, upon the same subject, the whole clergy made their appearance.¹⁸

Atterbury thinks it was

“the ancient usage for the clergy of Canterbury to assemble first, in order to set the precedent, which it was expected the other province should almost implicitly follow. And even in Church acts, as well as state aids, what had passed the one was held to be a kind of law to the other, so that in 1463 we find the Convocation of York adopting all at once all the constitutions made by that of Canterbury, and as yet not received; a method that I doubt not was often in elder times practised; and we know is still continued.”¹⁹

It is apparent, however, from the words of the memorandum recording the resolution of the Northern Convocation upon the occasion referred to, that they acted with perfect independence, and with a reservation of the ancient constitutions of their province.

“Memorandum quod prælati et clerus in Convocatione, 1463, concedunt unanimiter quod effectus constitutionum provincialium Cantuar. Prov. ante hæc tempora tent. et habit. constitutionibus Prov. Ebor. nullo modo repugnant. seu præjudicial. *et non aliter nec alio modo* admittantur: et quod hujusmodi constitutiones Prov. Cant., et effectus earundem, ut præfertur, inter constitutiones Provinciæ Ebor. prout indiget et decet inserantur, et cum eisdem de cætero servandæ incorporentur et pro jure observentur.”²⁰

Archbishop Nevill, in like manner, adopted several

¹⁸ State, &c., App. Nos. xlv. and xlv. Wilk. ii. 409, 420.

¹⁹ Rights, &c. p. 46, 47.

²⁰ Reg. Bothe. Arch. Ebor.

of the Canterbury constitutions in the Convocation of York A. D. 1466.

In the matter of subsidies, the York clergy did not *invariably* follow the example of Canterbury.²¹ It may be inferred, however, as a general rule, that the king would rarely excuse them from their fair proportion of the burdens of the state. It appears that the Convocation of York not unfrequently sent their proctors to *parliament* along with the prelates, there to assent to the aids which should be agreed upon by their brethren of Canterbury sitting in Convocation. At other times a subsidy was passed by the Convocation of Canterbury, and the Archbishop of York was desired to procure a similar grant from his own province.²²

On the whole, it is probable that prior to the Reformation Provincial Synods were less consulted in this province, which then contained but two suffragan sees, than in the southern. Much of their usual business was transacted in the first instance by the archbishop in his *Diocesan* Synod; and afterwards adopted in the other two dioceses.

In 1514, when Cardinal Wolsey the Archbishop was legate, he summoned the Convocation of York to meet in the chapter house as usual, and then by commission adjourned the whole body to appear before himself at Westminster. Thither he cited also the Archbishop of Canterbury and his Convocation, then assembled at St.

²¹ State, &c. 364, 374.

²² See the king's letters in State, &c., Appx. No. lix. and cv. In 1557, the Convocation of Canterbury, "concessionem exhibuerunt reverendissimo, qui Archiepiscopum Eborac. de subsidio concesso certificavit, rogans ut ille consimiliter in sua provincia facere dignetur."—*Card. Syn.* 450.

Paul's, in order to constitute a Legantine National Synod. But the southern clergy having appeared, objected that their proxies empowered them to treat only with their own archbishop, and so returned to their Convocation House; after which a new summons was issued for the requisite powers to treat with the legate.²³

During the Reformation the prelates and clergy of the north were found little inclined to submit without due authority to that which was demanded of them. A letter to Thomas Cromwell is printed in Burnet's Records, reporting that they

"woll not for any credence be haste to proceed to any strainge acts, but woll esteem their reasons and learning to be as effectual others be."²⁴

The judgment of the northern Convocation was required as well as that of Canterbury on the great questions of this momentous crisis. In 1531 they were called upon to follow the southern province, in purchasing the king's pardon for the offence of obeying the existing courts of their church and country, and in decorating his highness with the title of *Caput Supremum*. The see being vacant the dean and chapter assembled the Convocation, where the king's demands were long stoutly contested. At last the resolution passed on the 4th May, 1531; but Tunstall, Bishop of Durham, had the courage to enter a written protest, in which he admits the title *Supremum Caput in terrenis et temporalibus*, but expressly dissents from it

²³ State, &c., 392, and Appendix, No. cxxxvii. See also Rights, &c., p. 496. A similar course was pursued by Cardinal Pole.

²⁴ Pearce's Law of Convocation, p. 98.

as contrary to the judgment of the Church Catholic, if it be meant *in spiritualibus*.²⁵

²⁵ "Ego Cuthbertus permissione divinâ Dunelm. Episc. dico et allego in hiis scriptis prout sequitur. Cum in verbis concessionis cujusdem pecuniæ summæ illustrissimo Dom. nostro Henr. VIII., D.G. Angl. et Fran. Regi Fidei Defensori et domino Hybernæ, in præsentî concilio provinciali concessæ, in præfatione ubi de Lutheranorum repressione fit mentio, inter cætera contineantur hæc verba scil.—'Quamplurimos hostes et maxime Lutheranos in perniciem ecclesiæ et cleri Anglicani (*cujus singularem protectorem, unicum et supremum dominum, et quantum per Christi legem licet etiam supremum caput, ipsius majestatem recognoscimus*) conspirantes," &c. Quæ verba quanquam plerisque absque periculo ullius offendiculi posita videantur, mihi tamen recogitanti quod quidam nuper de crimine hæresis suspecti et impetiti, horum verborum sensum perverse capientes, episcoporum suorum judicium declinare conati sunt, apertius distinguenda et ponenda ea videntur quæ sub hiis verbis includi possunt: viz., ut si per ea intelligatur quod Rex sit post Christum supremum regni sui et cleri Anglicani in terrenis et temporalibus caput, sicut revera est et omnes recognoscimus, sic ad vitandam malignorum interpretationem exprimenda sunt verba, ne in alium sensum ab hæreticis trahantur. Si vero per ea intelligatur indistincte, prout verba sonant, quod Rex tam in spiritualibus quam in terrenis et temporalibus sit supremum ecclesiæ caput, et quod ita licere per Christi legem affirmetur, sicut malignantes quidam illa verba (scil. *quantum per Christi legem licet*) tanquam assertive posita capere videntur, quia hic sensus cum sententiâ Catholicæ ecclesiæ videtur non convenire, idcirco ab hujusmodi sententiâ, verbis sic intellectis et positis, ne ab ecclesiâ Catholicâ, extra quam nemini Christiano est salus, dissentire videar, expresse dissentio. Et quia verba illa (scil. *quantum per Christi legem licet*) saniore intellectu per alios, tanquam limitative aut restrictively posita, sumuntur; quia tamen ambiguum relinquunt quid liceat per legem Christi; et in uno sensu, si de terrenis et temporalibus intelligantur, Rex post Christum sit supremum caput, utpote qui sit super omnes et quo non sit alius superior, cum hoc liceat per legem Christi; si vero de spiritualibus intelligantur ea verba, rex non sit supremum caput ecclesiæ, cum hoc per Christi legem non liceat; Et verba etiam illa (scil. *supremum caput ecclesiæ*) multiplicem sensum habere possunt, unum in spiritualibus alterum in temporalibus tertium tam in spiritualibus quam in temporalibus, et ad propositionem multiplicem non sit danda simplex responsio; ea propter ne pusillis occasionem demus scandali, quod Christus omnes vitare jubet, magis aperte declarandum existimo, quod omnem illum mundanum et

The northern Convocation agreed with more unanimity, on the 15th of May, 1534, to repudiate the authority of the Bishop of Rome.²⁶

From the 37th Henry VIII. (16th Nov. 1545), the acts of this Convocation, which had before been entered in the registers of the archbishops and the dean and chapter, are preserved in separate books, which are still extant in the registry at York, and have been carefully examined throughout by the present author. They show that this Convocation transacted its business with the same forms, and nearly in the same terms, as that of Canterbury. At a session of the 14th Dec., 1545, the archbishop declared to the clergy the subsidy which the Convocation of Canterbury had agreed to. Upon which they withdrew "*ad domum suam solitam infra Ecclesiam Metropolitancam Eborum*" (the archbishop's vestry, says Wake); and being returned, their prolocutor presented a schedule of a grant of the same that the clergy of Canterbury before had given.²⁷

terrenum honorem regiæ majestati cum omni humilitate obedientiâ et subjectione deferimus, qui Christiano regi et principi a sacerdotibus sibi subditis quovis modo deferri potest, quem Ego imprimis regiæ majestati, de me supra quam ullis verbis explicari potest benemeritæ, libens deferre et præstare semper paratus ero. Et ne verba sub eâ formâ quâ scribuntur non declarata prodeant, ne scandala malignis aut pusillis sensu generare possint, expresse in hiis scriptis dissentio. Et similiter declarandum et exprimendum puto verba illa (scil. *unicum et supremum dominum*) in temporalibus post Christum accipi; subjiciens me in omnibus et hunc meum dissensum declarationem et protestationem et omnia quæ suprascripta sunt sanctæ matris Ecclesiæ judicio. Et peto in acta hujus concilii ea omnia redigi, et publicum instrumentum mihi inde fieri. Et vos venerabiles viros hic præsentés ad perhibendum testimonium requiro."—*Rights, &c.*, Appendix No. v.

²⁶ State, &c., Appx. No. cxli.

²⁷ State, &c., p. 493, and Act. Conv. Ebor. infra.

In the the reign of Queen Mary, the most noticeable event is the holding of the Legantine Synod before Cardinal Pole, in which the Convocations of both Provinces gave their attendance, and even granted their subsidies together.²⁸

It has already been observed that on the accession of Queen Elizabeth some difficulty is supposed to have arisen, in obtaining regular synodical authority for the measures taken for the revival of the Reformation. The Articles of 1562 were subscribed by the Archbishop of York and the Bishops of Durham and Chester in the Synod at London of that year; but no record remains of any subscription by the *clergy* of the province of York. On the 5th Feb., 1562, however, the acts of that Convocation show that after two sessions upon important matters, they agreed to consult the archbishop "upon certain *Articles* written in a schedule deposited with the Registrar." The result of that reference does not appear; but Dr. Bennet²⁹ conjectures with great probability that these were the xxxix. Articles just before concluded and signed in London; and that the archbishop of York thought the subscriptions of the bishops of his province to be sufficient. It is certain that the articles were synodically received in this province: for the Orders issued A.D. 1569, "to be observed of every bushoppe in his diocesse within the Province of Yorke," direct that no one shall be ordained, who is not able in the Latin tongue to show forth the Scriptures whereupon the articles of religion *agreed upon in the Synod* are grounded. And again, that no preacher be allowed, without subscribing "the articles of religion established

²⁸ State, &c., p. 499.

²⁹ Essay on the xxxix. Art. p. 206.

and allowed of." These orders are signed, E. Ebor, Matt. Hutton, Robt. Longher, Richard Pearsy, Wm. Palmer ; and were in all probability passed in Convocation.³⁰

The canons adopted by the Convocation of Canterbury in Queen Elizabeth's reign were subscribed by the Archbishop of York and the Bishop of Durham, by their respective procurators the Archbishop of Canterbury and the Bishop of Winchester. The Bishop of Chester also subscribed them.³¹

In 1604 the southern canons were extended (as we have seen) by the royal prerogative to the province of York. But the dean and chapter, who in the vacancy of the see had received the king's writ to continue the Convocation, appointed their dean, the Bishop of Bristol, to be president, and at the same time applied to the Crown for a license to consider and synodically adopt the laws which they were expected to obey. The license issued accordingly in due form, and the canons were considered and passed with every mark of independent authority.³²

A similar course was pursued in 1640, when Dr. Henry Wickham, Archdeacon of York, was the prolocutor. But at the review of the Liturgy in 1661, the Convocation of York took a somewhat more original part in the proceedings. The archbishop and his suffragan prelates were admitted to sit and deliberate with the upper House of Canterbury, under the presidency of the Bishop of London. No account is given of any preliminary authority from the Crown,

³⁰ Wilk. iv. 268.

³¹ *Ib.*

³² State &c., Appx., No. clvii., and Act. Conv. Ebor. *infra*.

the Archbishop of Canterbury, or otherwise; but at the 11th Session (on the 21st June) the names of the Archbishop of York, with the Bishops of Durham and Chester, appear among the attendant prelates, and they sit and treat as comprovincials of that province; save that in appointing a committee, the president "solicits and requests" two of the northern bishops to attend and assist in its labours.³³ The king's letters had issued to the Convocation of York on the 10th June; but nothing appears to have been done till the southern Convocation had concluded its review. Then another royal letter was issued to York (Nov. 22), commanding them to proceed in the same task. The time, however, was now short; the king was impatient, and the act of Parliament ready for the confirmation of the Book. With these letters, therefore, the archbishop and bishops of the northern province wrote in haste to the prolocutor at York, desiring him and his brethren to send up a proxy "for their whole House," to the prolocutor in London and some others of that Convocation. In another letter to the Registrar, the archbishop declares it to be "of great and general concernment" that this request should be complied with without delay, adding, "if we have not all from you by the end of next week we are lost." The Act would probably have passed without regarding the synodical authority of the northern Convocation.

A proxy was accordingly sealed to John Barwick, Dean of St. Paul's; John Earles, Dean of Westminster; Henry Fearn, Dean of Ely (prolocutor); Henry Bridgman, Dean of Chester; Robert Hitch, Archdeacon

³³ Syn. Ang. 75.

of Leicester; Matthew Smallwood, Proctor for the Archdeaconries of Richmond and Chester; Andrew Sandiland, for the East Riding; and Humphrey Floyd, for the Chapter of York. In the passing of this power the bishops desired their own procurators at York to concur; but as their lordships were present in person at London, the form of the proxy runs from "the prolocutor of the *lower House* of the Sacred Synod or Convocation, within the province of York, now held and celebrated, and the other prelates and clergy, assembled in the same." This instrument expressly reserving the rights, liberties, privileges, and customs of the province, and the dignity and honour of the Church of York, empowers the proctors jointly and severally to consent to all which should be decreed in the Convocation of Canterbury concerning the review of the Common Prayer.

Still the members who remained at York were by no means indifferent to the work in hand, nor without a share in its execution. On the 18th December 1661, propositions were exhibited by Dr. Peter Samwayes, and

"by the whole court approved and decreed to be transmitted to the lord archbishop and the rest of the bishops of the province of York, now resident in London, to be communicated if they think fit to the other Convocation of Canterbury now convened at London."³⁴

These propositions were to the following effect, and it will be observed that several of them were adopted in the review that was now made :—

1. That the alterations to be made in the liturgy should be

³⁴ Wilk. iv. 569.

so guarded as not to reflect on the former book by admitting the objections of the schismatics or appearing to extenuate their guilt.

2. That a canon might be passed for the better observance of the Ember weeks, and collects framed to implore the Divine grace on the persons then ordained.

3. That the Holy Eucharist might be enjoined on all proper days, and the service be said at the Communion tables, *at least in cathedrals.*

4. That the posture of standing might be enjoined at the Creeds, Psalms, &c.

5. That though the law protected persons who had acquired property from others in the late troubles, they should still be enjoined as a matter of spiritual discipline to repentance and restitution.

6. That the royal supremacy might be enforced against the Covenanters equally with the Papists.

The two provinces having thus consulted together, and completed the review to their joint satisfaction, the Convocations again separated and subscribed in a distinct capacity, as Provincial Synods. The process is partly given by Archbishop Wake in the Appendix to State, &c., No, clviii., and the subscriptions may be seen in Dr. Nicholl's edition of the Common Prayer. But as these and other particulars connected with the Convocation of York are not unfrequently misunderstood, some extracts from the original records are here subjoined.

ACTA CONVOCATIONIS EBOR.

“ACTA CONVOCATIONIS sive Sacri Concilii Provincialis Prælatorum et Cleri Provinciæ Ebor. xxiv. die mensis Novembris, A. D. millesimo quingentesimæ quadragesimo quinto habitæ et gestæ coram Reverendissimo in Christo Patre et domino domino Roberto Ebor. Archiepiscopo in domo capitulari infra ecclesiam metropolitanam Ebor inter horas nonam et undeciman ante meridiem ejusdem diei.

“Quibus die et loco Missa Spiritus Sancti prius solemniter celebrata, ac facta concione in lingua latina ad clerum per mag. Marshall S.T.B., idem Reverendissimus in Christo Pater ad locum preeminentiorem dictæ domus accedens ibidemque palulum morans, introductisque certificatoriis, quia ad finem hujus Convocationis sive sacri concilii provincialis personaliter ad finem interesse non poterit, igitur dilectos sibi in Christo venerabiles et egregios viros magistros Thomam Magnus, archidiaconum Est Riding, Johannem Rokeby legum doctorem, dicti Reverendissimi in Christo Patris vicarium in spiritualibus generalem, Cuthbertus Marshall archidiaconum Nottingham, et Thomam Marser, canonicos et residentiarios ecclesiæ Metropolit. Ebor, Commissarios suos pro hac sacra Convocatione sive concilio Provinciali usque ad in xxvi. diem Januarii prox. futur. post dat. præsent. prorogand. deputavit, ordinavit et constituit, prout per literas etc.

“Quo facto præfatus Johannes Rokeby, de consensu mag. Cuthberti Marshall etc. continuavit hanc Convocationem usque in horam quartam post meridiem istius diei, et monuit omnes et singulos jam præsentés ad tunc interessendum.

“Quibus die et loco, inter horas secundam et tertiam ejusdem post meridiem diei, comparuit clerus Provinciæ Ebor. coram magistris Thomæ Magnus, Johan. Rokeby legum doct. vicario spiritualibus generali, Cuthberto Marshall et Thomæ Marser canonicis et residentariis, Commissariis dicti Reverendissimi in Christo Patris in hac parte sufficienter et legitime deputatis. Ac tunc ibidem magister Robertus Darell legum doctor, vice et nomine totius cleri prædicti, de consensu ejusdem præsentavit venerabilem virum magistrum Georgium Palmes in prolocutorem pro hac Sacra Convocatione celebranda, quem domini acceptaverunt et prolocutorem admiserunt. Quibus sic gestis dictus magister Johannes Rokeby, Commissarius

antedictus, de consensu collegarum suarum, prorogavit hanc Convocationem prout in quadam schedula quam tunc publice legebat, cujus tenor est talis etc.”

“Decimo quarto die mensis Decembris, A. D. 1545.

“Decreta est citatio pro procuratoribus cleri civitatis diœceseos et provinciæ Eboracensis erga hos diem et locum ad audiendum voluntatem dicti Revmi. in Christi Patris super quibusdam arduis negotiis dict. Dom. nostrum regem et utilitatem hujus regni Angliæ respicient..

“Quibus die et loco præconizati fuerunt procuratores prædicti, ipsisque comparentibus prout annotantur in sequenti volumine, dictus Reverendissimus in Christi Pater incontinenter dilucide declaravit omnibus præsentibus propositum ex parte regis ut qualiter clerus Cant. Prov. concesserunt eidem regiæ majestati unum subsidium vel plura subsidia solvenda; deinde prælati et clerus dictæ Eboracen. Prov. tunc ibidem ut præmittitur comparentes seorsim ad domum suam solitam infra Ecclesiam Metropolitanam Ebor. se substraxerunt, et matura deliberatione præhabita venerabilis vir magister Georgius Palmes prolocutor dict. prælatorum et cleri incontinententer rediens, una cum dictis prælatis et clero, ad dictum Revmum. Patrem, vice et nomine omnium et singulorum prædictorum porrexit quandam schedulam continentem formam concessionis cuiusdam subsidii dictæ regiæ majestati, cujus schedulæ tenor est, etc.”

“Feb. 5, 1562.³⁵

“Quibus die, horis et loco, coram eisdem commissariis facta præconizatione legitima comparuerunt prout in schedula desuper confecta annotantur nominati, et deinde habito tractatu per dictos præsidentes sive commissarios et cæteros comparentes et interesse debentes, super quibusdam arduis negotiis, statum bonum publicum et conducentem ordinem ecclesiæ et Dei gloriam concernentibus, dictus magister Johannes Rokeby, de consensu dictorum collegarum suorum et cæterorum comparentium, continuavit hanc Convocationem sive Synodum provincialem usque ad et inter horas secundam et quartam post meridiem istius diei hoc loco.

³⁵ See Bennet's Essay, xxxix. Articles, p. 206, and Wilkins, iv. 243.

“Quibus die, horis et loco, coram eisdem commissariis facta præconizatione comparuerunt prout in schedula prædicta annotantur, et habito consimili tractatu concluderunt dictum reverendissimum in Christo patrem ac dominum Dom. Thomam permissione divina Ebor Archiepiscopum consulendum fore, super quibusdam articulis in quadam schedula apud registrum remanente conscriptis. Et quoad feoda procuratorum cleri, dicti præsidentes et cæteri comparentes ordinaverunt et statuerunt quod singuli beneficiati in diocesiis Dunelm. Carliolen. et in archidiaconatu Nottingham Ebor. dioceses. pro singulis libris beneficiorum suorum solvent pro feodis procuratorum cleri pro eisdem intervent. et pro collectione ejusdem tres denarios, et singuli beneficiati ut super in archidiaconat. Ebor. Est Riding et Cleveland solvent pro singulis libris duos denarios, et quoad taxationem cujusque beneficii, taxatio pro perpetua decima dominæ nostræ reginæ debita habeat locum duntaxat et non alia, et domini prædicti reservarunt taxationem beneficiorum dioc. Cestren. et Sodore. usque in duodecimum diem mensis Martii prox. inter horas nonam et undecimam ante meridiem ejusdem diei hoc loco, et dicti præsidentes reservarunt pœnas contumaciarum absentium usque in eosdem diem, horas et locum, et tunc dictus Johannes Rokeby continuavit et prorogavit hanc Convocationem sive Synodum provincialem usque in eosdem diem, horas et locum, et monuit omnes et singulos jam præsentés ad tunc interessendum.”

12th March. Dioceses of Chester and Carlisle ordered to pay “pro feodis procuratorum,” three denarios for every pound of their benefices, viz., two to the proctors and one to the apparitor-general.

“Fo. 103, 2 May, 1571.³⁶

“Et tunc postea comparuit personaliter magister Johan. Burke³⁷ in artibus magister, unus procuratorum istius Convocationis, ac exhibuit quandam schedulam in scriptis conceptam propter reformationem habendam in ecclesiis istius provinciæ, prout in eadem schedula plenius describitur, qua quidem

³⁶ See also Wilkins, iv., 270.

³⁷ Wilkins reads “Buck.”

schedula per magistrum Mathæum Hutton unum præsidium istius Convocationis vice et auctoritate dicti Revmi. Patris deputat. publice perlecta, idem venerabilis vir de consensu dictorum collegarum suorum post tractatum habitum inter prælatos et clerum in hac Convocatione congregat. duxit deliberand. super schedula hujusmodi in diem mercurii prox. ac deinde continuavit" etc.

On the 9th May the Convocation was continued to the 11th, "ad audiendum voluntatem præsidium super schedula apud acta remanente." This was repeated on the 8th June, when the Convocation was further continued to the 20th of that month; but nothing more appears on the Acts.

"April 23, 1625.³³

"Johannes Scott, præsidens—questionem per totam Synodum sive Convocationem hinc et ibidem congregatam publice discutiendam et ventilandam proposuit: viz., An quisquam per viam deputationis, procuratorii, vel alias, alicui personæ ecclesiasticæ vices suas committere plenamque potestatem concedere possit aut valeat, ad comparandum pro se in Convocatione sive Synodo prædicta reliquaque in ea parte necessaria expedienda, quæ tempore deputationis sive procuratorii prædicti sic, ut permittitur, facti, non fuit pars nata Convocationis sive Synodi prædictæ, vel alias pro parte sive membro ejusdem legitime electæ; ita quod persona sic deputata sive constituta pro parte sive membro Convocationis sive Synodi prædictæ haberi debeat? vel non?

"Qua Controversia sic proposita multis dubiis prius pensatis, ac diligenti et matura deliberatione perhabita, dictus venerabilis vir Johannes Scott, S. T. P. præsidens antedictus, de et cum consensu collegarum suorum in hac parte ac reliquorum omnium in dicta Convocatione sive Synodo interessentium, ac suffragia in ea parte habentium, nemine reclamante sive dissentiente, declarationem futuris temporibus perpetuo valituram censuerunt prout sequitur;—Neminem scilicet auctoritatem sive potestatem habere nominandi, eligendi sive constituendi, aliquam personam extraneam deputatum, commissarium sive procuratorem suum, ad comparandum pro se in Convocatione sive Synodo prædicta reliquaque in ea parte necessaria expedienda, qui tempore deputationis, commissionis

³³ See also Wilkins, iv. 470.

sive procuratorii sui prædicti, sibi in ea parte sic (ut permittitur) facti, non fuit pars nata Convocationis sive Synodi prædicti, vel alias pro parte sive membro ejusdem legitime electa, Nullamque personam extraneam sic (ut permittitur) utriusque? de facto nominatam, electam sive constitutam, pro parte sive membro Convocationis sive Synodi prædictæ acceptari, aut jus suffragii decisivi in eadem, aut aliquo negotio eandem tangenti, habere."

"A. D. 1605.

"JACOBUS Dei gratia Angliæ Scotiæ Franciæ et Hiberniæ Rex, fidei defensor, etc. Custodibus spiritualitatis Archiepiscopatus Ebor. sede archiepiscopali ibidem vacante, SALUTEM—Cum nos per Breve nostrum e Cancellaria nostra tricesimo primo die Januarii, anno regni nostri Angliæ Franciæ et Hiberniæ primo, et Scotiæ tricesimo septimo, emanens, quibusdam arduis et urgentibus negotiis, nos securitatem et defensionem Ecclesiæ Anglicanæ, ac pacem et tranquillitatem bonum publicum et defensionem regni nostri et subditorum nostrorum ejusdem concernentibus, reverendissimo in Christo patri Matheo nuper Ebor. Archiepo. Angliæ primati et metropolitano, modo defuncto, nuper mandavimus quatenus, præmissis debito intuitu attentis et ponderatis, universos et singulos Episcopos Ebor. provinciæ ac Decanos ecclesiarum cathedralium, necnon Archidiaconos, Capitula et Collegia, totumque Clerum ejusdem diœces. ejusdem provinciæ, ad comparandum coram præfato Matheo nuper Archiepiscopo Ecclesia metropolitana Sancti Petri Ebor. vicesimo die Martii tunc prox. futuri, vel alibi prout melius expedire videtur, cum omni celeritate accomoda, modo debito convocari faceret, ad tractandum consentiendum et concludendum super præmissis et aliis quæ sibi clarius exponentur tunc ibidem ex parte nostra; Vigore cujus brevis nostri eadem Convocatio usque nonum diem Julii tunc prox. sequentis tent. et continuat. at post diversas prorogationes ad instantem vicesimum secundum diem Januarii prorogata fuerat ibidem tunc tenend. et persequend.; Cumque etiam præfatus Matheus Archiepiscopus nuper mortem objecit; nos igitur præmissa considerantes vos in fide et dilectione quibus nobis tenemini rogantes mandamus, quatenus vos, præmissis attentis et debito intuitu ponderatis, in negotiis hujusmodi debite procedatis, et omnia et singula quæ ex parte prædicti Mathei nuper Archiepiscopi, vigore prioris brevis prædicti, exequenda

fuerint, et per ipsum aut per ejus in ea parte mandatum in vita sua minime executum, cum omni celeritate peragatis cum effectu, omniaque alia et singula quæ in hac parte necessaria fuerant, seu quomodolibet opportuna, aut quæ vestro in hac parte incumbunt officio, quàm cito poteritis, faciatis et exequamini. Et hoc sicut nos et statum regni nostri ac honorem et utilitatem ecclesiæ prædictæ diligitis, nullatenus omittatis: teste meipso apud Westmonasterium xxii. die Januarii anno Regni nostri Angliæ Franciæ et Hiberniæ tertio, et Scotiæ tricesimo nono."—COPPIN.

Fo. 194.³⁹

"Die martis quarto viz. die mensis Februarii, annó Domini juxta cursum et computationem ecclesiæ Anglicanæ millesimo sexcentesimo quinto, in domo capitulari ecclesiæ cathedralis et metropolitice Beati Petri Ebor., hora ibidem consueta, coram reverendis viris in Christo patri et domino Domino Johanni, providentia divina Bristov. episcopo, decano, Willielmo Goodwin S. T. P., cancellario, canonicis residentiariis dictæ ecclesiæ, custodibus spiritualitatis archiepiscopatus Ebor. modo per mortem bonæ memoriæ Domini Mathæi Hutton nuper ejusdem sedis archiepiscopi vacant., Christofero Linley S. T. B., Willielmo Thomas artium magister, canonicis etiam dictæ ecclesiæ et præbendarum respective de Tockerington, Lawthen in le Morthinge, . . . et Bilton in dicta (?) Ecclesia capitulanter congregatis et capitulam facientibus, in præsentia mei Johannis Atkinson notarii, ac decani et capituli ejusdem ecclesiæ registrarii, exhibitum fuit Breve serenissimi in Christo principis et domini nostri Jacobi D. G. Angliæ Scotiæ Franciæ et Hiberniæ Regis, fidei Defensoris etc. ad procedendum in Synodo provinciali seu Convocatione prælatorum et cleri Provinciæ Ebor. custodibus spiritualitatis Archiepiscopatus Ebor. sede archiepiscopali ibidem vacante, directum: quod cum omnibus reverentia obedientia et subjectione debitis præfati custodes spiritualitatis ejusdem archiepiscopatus vacant. receperunt, quo per me ex eorum mandatis publice perlecto, iidem custodes decreverunt procedendum fore in dicta Convocatione secundum vim tenorem et effectum dicti brevis regii et in dicti custodes spiritualitatis dicti archiepiscopatus

³⁹ See also Wilkins, iv. 426.

Ebor. vacant. virorum consensu ut prius congregati, nominaverunt elegerunt assignaverunt deputaverunt et constituerunt reverendum patrem Johannem Bristov. episcopum, decanum dictæ ecclesiæ, in Præsidem sive presidentem Convocationis prælatorum et cleri Provinciæ Ebor. et decreverunt electionem serenissimo domino nostro regi debito faciend. cum requisitione et supplicatione regiæ sanctæ majestati facienda pro ejus regio consensu eidem electioni adhibendo, et pro literis suis regiis comissionalibus ad ulterius in dicta Convocatione pro bono ecclesiæ dictæ Ebor. provinciæ tractand. concludend. et faciend. Et ulterius assignaverunt ad convocandum clerum ejusdem provinciæ, seu procuratores pro eisdem in suis vicibus (?) comparentes, ad comparendum die lunæ prox. futur.⁴⁰ ad ulterius faciendum et tractandum quod natura et qualitas dictæ Convocationis exigunt et requirunt.”

“Fo. 197. 5th March, 1605.

“Quibus die hora et loco, præconizatione publice facta (ut mos est) omnibus et singulis in hac Convocatione seu Synodo comparere debentibus, comparuerunt ut in quadam schedula, lectæ fierunt publice literæ patentes serenissimi in Christo principis et domini nostri Jacobi D. G., etc. reverendo patri Domino Johanni Bristov. episcopo, decano dictæ Ecclesiæ cathedralis et metropolitice Beati Petri Ebor., Presidenti hujus Convocationis seu Synodi provincialis, et aliis prælatis et clero ejusdem provinciæ Ebor. in hac Convocatione seu Synodo celebrand. directæ, sigillo magno hujus regni Angliæ sigillatæ, quas quidem literas patentes et idem Reverendus Pater cum omnibus reverentia obedientia et subjectione debitis recepit, acceptavit, ac decrevit, ac alii comparentes decreverunt, procedendum fore in vim formam et tenorem et effectum literarum patentium.

“Et statim dicti comparentes unanimi consensu et assensu nominaverunt et præsentaverunt reverendum virum Willelmum Goodwin S. T. P. cancellarium et canonicum residentiarium hujus ecclesiæ, procuratorem seu locum tenentem reverendorum patrum Dunelm. et Carliolen. episcoporum in hac parte constitutum, tunc personaliter præsentem, in Prolocutorem hujus Convocationis seu Synodi Provincialis

⁴⁰ Lunæ decimo Febr. 1605.—*Margin.*

prælatorum et cleri hujus provinciæ Ebor., quas quidem nominationem et presentationem idem Reverendus Pater Presidens antedictus acceptavit et admisit, et ipsum Willelmum Goodwin in prolocutorem hujus Convocationis seu Synodi assignavit, etc. . . . prorogavit in diem veneris prox."

"Fo. 202. March 10th."⁴¹

"Quibus die et loco, etc., per Willielmum Goodwin, S.T.P. Prolocutorem publice lectis omnibus et singulis Canonibus sive Constitutionibus de quibus tractatum conclusum et consensus est per reverendum in Christo patrem et dominum Dom. Ricardum providentia divina nuper Londini episcopum, præsidem Convocationis Provinciæ Cantuarien., et cæteros episcopos et clerum dictæ provinciæ, de licentia speciali serenissimi domini nostri Regis, A.D. 1603, et postea per literas regias patentes publicatis, confirmatis, et observari mandatis, atque mature jam et antea examinatis et ponderatis, idem Reverendus Pater episcopus et cæteri ejusdem Convocationis tunc comparentes unanimi eorum consensu et assensu præfatas Constitutiones ecclesiasticas ratificârunt et firmiter observari in et per totam hanc provinciam Ebor. mandârunt, prout per eorum decretum seu certificatorium tunc etiam publice lectum latius constat et apparet: et cui nomina et cognomina eorum sequent. . . . subscripserunt, cujus verus tenor sequitur et est talis.

"WHEREAS⁴² we the President and Clergy of the Convocation of the Province of Yorke, authorized by His Majesty's commission in this behalf, have diligently viewed and deliberately examined the Constitutions and Canons Ecclesiastical, treated concluded and agreed upon by the Reverend Father in God, Richard by God's providence late Bishop of London, President of the Convocation for the province of Canterbury, and the rest of the bishops and clergy of the same province, by his Majesty's License in their Synod began at London A.D. 1603, and since that published for the due observation by his Majesty's authority, and by his Majesty's said authority commanded to be diligently observed by all his subjects of this realm of England, within both

⁴¹ See also Wilkins, iv. 426.

⁴² See also State, &c., Appendix, No. clvii.

Provinces of Canterbury and York, in all points wherein they do or may concern every or any of them; WE, his Majesty's loyal subjects, furthering as much as is in us, the honour and service of Almighty GOD, the peace of GOD's Church, and better government of the same; and finding the said Constitutions and Canons very fit and requisite for the good of the churches, to be observed within and throughout all the Province of York, yielding respectively in all points to the Archbishop of York, to every bishop of the province of York, and to his and their Chancellors, Commissaries, and other officers having ecclesiastical jurisdiction within the said Province, such and the same authoritie as by force of these Canons and Constitutions, was and is severally attributed to the Archbishop of Canterbury, to the bishops and to others exercising ecclesiastical jurisdiction in that Province, DO THEREFORE DECREE AND ORDAIN, that all and singular the said Constitutions and Canons ecclesiastical, and the contents of them and every of them, be for ever hereafter of full power, force, and authoritie within the Province of York; and be accounted and numbered among the Constitutions and Canons of the Province of York. And that they and every one of them be from henceforth duly and diligently observed, executed, and equally kept by all and singular persons, not only of the clergy but of the laity within the Province of York aforesaid, so far forth as it doth and may concern them and every or any of them, in their several functions, degrees, and states, upon the perils and penalties therein expressed, and other censures ecclesiastical to be inflicted upon all and every the transgressors thereof, according to the measure and quality of their offence. In testimonie whereof, we for ourselves and for the whole clergy within the Province of York, lawfully assembled and deputed in this behalf, have willingly and *ex animo* subscribed in this schedule of parchment annexed to the Canons and Constitutions; humbly praying the King's Most Excellent Majesty, graciously to accept our most humble duty and service therein, and to give his Highness's Royall assent to the same."

27th January, 1661.

Protectio Doctoris Samways.

“To all Christian people to whom these presents shall come greeting, whereas the Prelates and Clergie within the province of Yorke were lately summoned by virtue of his Majestie’s writt, to appear in the Convocation holden in the Chapter House of St. Peter’s in York, upon the eight day of May last past. And whereas Peter Samways, Doctor of Divinity, Rector of Bedale, was lawfully elected by the clergie of the severall archdeaonries of Chester and Richmond, to appeare as their proctor in the said Convocation. And whereas the said Peter Samways did the said day, and divers times since, appeare in the said Convocation house, and was carefully and diligently attending His Majestie’s service in the said Convocation, and is individually monished to appeare from day to day during the continuance of the said Convocation now depending at York :—These are therefore to certifie all and every one whom these presents may in anywise concerne, that the said Doctor Peter Samways was and is a member of the said Convocation. Presuming that upon notice hereof no person or persons whatsoever will attempt to sue, trouble, or molest him the said Doctor Peter Samways, during the continuance and depending of the said Convocation, but quietly and peaceably, without any lett or molestation, suffer him to enjoy all and every the liberties, immunities, and priviledges, graciously granted by Act of Parliament, during the continuance of the said Convocation. In witness whereof we the Commissioners of the Lord Archbishop of York, president of the said Convocation, have hereunto sett our hands, and caused the seale of the consistory office of the said Lord Archbishop to be hereunto putt, this twenty-seventh of January, in the year of our Lord 1661.

Geo. Aislebie, Regr.

Rich. Marsh.

John Neil.

Antho. Elcocke.”

“PRECES SYNODALES (ex Actis Anno MDCLXI.⁴³)

“Post preces matutinas in choro (inter quas Lectio prima fuit Deut. xvii. Lectio secunda, Act xv.) finita Litaniam, pars

⁴³ These are not entered in the Acts, like the other proceedings of the day, but upon a separate page, facing the commencement of the Acts, as if it were the standing Form to be used at every session.

prior hymni *Veni Creator Spiritus* ante concionem ad clerum cantabatur. Post concionem ad Domum Capitularem ventum est, ubi lecto Brevis Regis una cum literis Domini archiepiscopi mandamentalibus, clero præconizato etc, percontabatur *Præses*."

"Doth it please you that this sacred Synod or Convocation do now begin, to the glory of God and the peace and publick good of the Church and kingdom of England?"

Responderunt. "It pleaseth us."

"Doth it please you to begin this solemn and sacred action with prayer for the assistance of God's Holy Spirit?"

Responderunt. "It pleaseth us."

Tunc *Præses*. Oremus genuflexi.

PATER NOSTER qui es in cœlis, etc.

"Adsumus Domine Sancte Spiritus! adsumus, peccati quidem inanitate detenti atque deterriti, sed in nomine Christi specialiter convocati et congregati; Veni ad nos et esto nobiscum; dignare cordibus illabi nostris; Doce nos quid agamus, quid dicamus, et ostende quid efficere debeamus, ut te auxiliante tibi in omnibus complacere valeamus. Esto salus nostra omniumque in te sperantium: esto effector et confirmator judiciorum nostrorum, omniumque servorum tuorum vices tuas ubique præsertim in Eboracen.⁴⁴ gerentium; præcipue autem in bonitate tua memineris domini nostri Caroli secundi, eorumque qui ei sunt a conciliis tum ecclesiasticis tum civilibus, tum publicis tum privatis. Non sinas inter nos perturbatores esse justitiæ, Tu qui summam diligis æquitatem! Non in sinistram nos ignorantia trahat, non favor inflectat, non acceptio munerum vel personarum corrumpat; sed junge nos efficaciter tibi solius tuæ gratiæ dono, ut simus in unum, sed in nullo aberremus a vero; quatenus in nomine tuo collecti sic in cunctis cum moderamine pietatis justitiam teneamus, ut hiis a te in nullo dissentiat sententia nostra, et in futuro sæculo te facie ad faciem in æternum beatifici videamus, tecumque semper regnemus per Christum Jesum Dominum et Salvatorem nostrum: Cui cum Patre benedicto in unitate Spiritus Sancti sit omnis honor, dominium et gratiarum actio, in sæcula sæculorum. Amen."

⁴⁴ "in Eboracen" was subsequently altered to "jam Londini."

“8th May, 1661.

“Coram venerabilibus viris Ricardo Marsh S. T. P. decano dictæ ecclesiæ, Johanni Neil S. T. P., archidiacono sall in eadem ecclesia, et Antonio Elcocke S. T. P, subdecano dictæ ecclesiæ, et canonico et præbendario præbendæ de Osbaldwick in eadem ecclesia, Commissariis dicti reverendissimi Patris etc. (Convocation continued till the afternoon of the same day.)

archidiaconatus Cleveland et præbendario præbendæ de Stren-

“Et tunc precibus per venerabilem virum Johannem Neil antedictum in lingua latina compositis per eum Deo omnipotenti pro ejus benedictione super conciliis hujus sacræ Synodi sive Convocationis fundatis, dictus Ricardus Marsh, Commissionarius antedictus, omnibus tunc interessentibus proposuit ut inter se huic sacro-sanctæ Synodo Prolocutorem idoneum eligerent; unde post temporis aliquantulum et deliberatione habita, unanimi consensu prædictum Johannem Neil S. T. P. etc., nominaverunt, eidemque dicto Ricardo Marsh et alio collegæ suo, in Prolocutorem hujus sacræ Synodi sive Convocationis præsentârunt; quas quidem eorum nominationem et electionem idem venerabilis vir Ricardus Marsh acceptavit et admisit, præfatumque Johannem Neil in Prolocutorem hujus Convocationis sive Synodi prædictæ assignavit, onus cujus assignationis et premissorum executionis idem Johannes Neil in se suscepit tunc et ibidem.”

August 8th, the King's Letters for treating of Canons, &c., are read.

“Die Sabbati ultimo die mensis Novembris, A. D. 1661, etc.

“Emanavit intimatio sive monitio omnibus et singulis prælati procuratoribus et clericis hujusmodi sacræ Synodi sive Convocationis, ad comparandum istis die horis et loco, ad tractandum et deliberandum de et super literis regiis aliisque literis prælatorum hujus Provinciæ Ebor. pacem ecclesiæ bonum publicum et alia in hac convocatione tractanda concernentibus.

“Quibus die, horis et loco, introducta fuit intimatio sive monitio cum certificatorio indorso de executione ejusdem, et tunc præconizatis omnibus et singulis personis ecclesiasticis in hac sacra Synodo sive Convocatione interesse debentibus comparuerunt vel non prout in schedula inde confecta annotantur. Et tunc præfatus venerabilis vir dominus Decanu,

antedictus, de et cum consensu et assensu expressis dictorum collegarum suorum secum assidentium, rite et legitime procedens, omnes et singulas personas in hujusmodi Convocatione comparere debentes, publice præconizatas diutiusque expectatas, et nullo modo comparentes, ut in schedula prædicta notatur, pronuntiavit Contumaces et eorum quemlibet contumacem, et in pœnam contumaciarum suarum hujusmodi decrevit ad ulterius in hujusmodi Convocatione sive Synodo procedere, secundum naturam ejusdem, eorum absentis sive contumacis in aliquo non obstantibus. Tunc publice perfectis literis regiis dicto Revmo. Patri Ebor. Archiepiscopo directis, aliisque literis prælatorum hujus Provinciæ Ebor. et una ab archiepiscopo prædicto mihi directa, per venerabilem virum Johannem Neil, Synodi prædictæ Prolocutorem, habitoque tractatu solemnem et diligentem de et super eisdem literis, et causis hujusmodi Convocationis ponderatis atque etiam consideratis, iidem venerabiles viri, unanimibus consensu et assensu suis, cæterumque personarum tunc interessentium, commissionem sive procuratorium speciale fieri decreverunt et concedi venerabilibus viris Johanni Barwick, S. T. P., Decano eccl. cath. Divi Pauli Londinensis; Johanni Earles, S. T. P., ecclesiæ coll. S. Petr. Westm. Decano; Henrico Fearne, S. T. P., Decano ecclesiæ cath. Eliens.; Henrico Bridgman, S. T. P., Decano eccl. cath. Cestrens.; Roberto Hitch, S. T. P., Archidiacono archidiaconatus Leicestr. et præbendario præbendæ de Holme archiepiscopi in ecclesia cathedrali Ebor.; Matheo Smalwood, S. T. P., procuratori cleri archidiaconat. Cestr. et Richmond; Andreæ Sandiland, clerico, rectori de Skerringham alias Scrayingham et procuratori cleri archidiaconatus de Est-riding; et Humfredi Lloyd, clerico, præbendario præbendæ de Ampleford in dicta ecclesia Ebor.; Conjunctim et divisim, ad comparandum et vice loco ac nomine eorum et omnium et singulorum cler. hujus Synodi sive Convocationis Ebor. interessend., in Synodo sive Convocatione cleri Provinciæ Cantuarien. apud Londini tent. et celebrat., ex consilio et deliberatione communi, in negotio revisionis libri publicarum Precum necnon formæ consecrandi et ordinandi episcopos presbyteros et diaconos, virtute literarum seu mandati domini nostri Regis in ea parte direct., prout per eandem commissionem sive procuratorium speciale inferius descriptum plenius liquet et apparet.

“Tenor prædictarum Literarum regiarum sequitur in hæc verba.

CHARLES REX. "Most Reverend Father in God We greet you well. Whereas by our Commission under our great Seale of England, bearing date the tenth day of June last, We did (amongst other things) give full, free, and lawful liberty to you as President of the Convocation, and to other the Bishops and Clergie for our Province of York, to Confer, Debate, Treat, Consider, Consult, and Agree of and upon such other Points, Matters, and Things as We from time to time should deliver or cause to be delivered unto you in Writing under our Signe Manual or Privy Signet, to be debated, considered, consulted, and concluded upon, any Statutes, Acts of Parliament, Proclamation, Provision, Restraint, Clause, Matter, or Thing to the contrary notwithstanding; Our Pleasure therefore is, and according to the Liberty and Power reserved by our said Commission, We do hereby authorize and require, that you review or cause a Review to be had and taken both of the Book of Common Prayer, and of the Book of the Form and Manner of making and consecrating Bishops, Priests, and Deacons; And after mature consideration, that you make such Additions or Alterations in the said Books respectively as to you shall seem meet and convenient: Which Our Pleasure is that you exhibit and present unto us in Writing for our further Consideration, Allowance, or Confirmation; And for so doing this shall be your Warrant. Given at our Court at Whitehall the 22 day of November 1661.

"By his Majesty's Command.

"To our Right Trusty and Well-beloved the Most Reverend Father in God ACCEPTUS Archbishop of York,"

"SIRS,

"You see the Contents of his Majestie's Letters for the Review of the Book of Common Prayer and Ordination of Bishops, Priests, &c., for the dispatch whereof his Majesty requires all possible Expedition. His Grace and ourselves sit in consultation with the Bishops of the Province of Canterbury. And because the time allotted for the dispatch of these things is so short, and an Act of Parliament for Confirmation of them ready to passe, the Ordinary Course of concluding them here first, then sending of them down for your concurrence, and returning them up again, is so dilatory, that it will not be consistent with his Majestie's

expectation. It is therefore our Desires and Request to you, that forthwith you would pass a Vote for a Proxie in behalf of your whole House (wherein our Procurators are desired to concurr) to Dr. Henry Fearn, Prolocutor, Dr. John Earles, Dean of Westminster, Dr. John Barwick, Dean of Paul's, or to some other of the Lower House of Convocation there, *conjunctim et divisim*, to give your consents to such things as shall be concluded on here in relation to the Premises. This Proxie under your Dean and Chapter, and your Chancellor's Seale, we earnestly desire may (if possible) be sent up by the next Post after this comes to your hands. This is all we have at present: We therefore commit you to the Protection of Almighty God, resting,

"Your most Affectionate Friends,

"ACCEPT. EBOR.
JO. DURESME.
RICH. CARLIOL.
BRL. CESTRIEN.

"To the Right Worshipful Dr. John Neil, Prolocutor, and the rest of his Brethren of the Convocation Assembled for the Province of York."

"SIR,

"THE Enclosed to Doctor Neil your Prolocutor, goes to him from all the Bishops of the Province, having in it a true copie of another from his Majestie to my selfe. Deliver it I pray unto him presently (excusing my not writing unto him at present in particular) and hasten their dispatch back according to the Directions therein, with as much as possibly you can; for 'tis of Great and General Concernment. The Chancellour who hath been our Clerk herein will perhaps (if at leisure) say more! I adding only this here in the close, that if we have not All from you by the End of next Week we are lost. And in Case the Convocation sit not, wish the Doctor presently to open the Letter as if it had been sent to himselfe only. Farewell.

"Yours,

"November 23.

ACCEPT. EBOR.

"For Mr. George Aislebie, at the Register's Office in the Minster-Yard, Yorke."

“Procuratorium diversis Clericis ad Negotiand.
in Synodo Provinciæ Cant. tent. apud London, 1661.

“Pateat Universis per præsentēs, quod nos Johannes Neil S. T. P., Referendarius sive Prolocutor Domus Inferioris sacræ Synodi sive Convocationis infra provinciam Ebor. tentæ et celebratæ, necnon cæteri prælati et clerici in eadem congregati, unanimibus nostris assensu pariter et consensu, venerabiles viros Johannem Barwick. S. T. P. Decanum Ecclesiæ Cath. D. Pauli London, Johannem Earles S. T. P. Ecclesiæ Collegiatæ S. Petri Westm. Decanum, Henricum Ferne. S. T. P. Decan. Eccles. Cath. Eliens., Henricum Bridgeman Decanum Eccles. Cath. Cestrans.; Robertum Hitch S. T. P. Archidiaconum Leicestrens.; Matheum Smalwood S. T. P. Procuratorem cleri archidiaconat. Cestr. et Richmond; Andream Sandiland clericum, Rectorem de Skeringham alias Scrayingham et Procuratorem cleri archidiaconat. de Eastryding Com. Ebor. et Humfridum Floyd clericum, Procuratorem Capituli Eccles. Ebor, & Præbendar. præbendæ de Ampleford in eadem ecclesia fundat.; conjunctim et eorum quemlibet divisim et in solidum, ad negotia infrascripta et ea concernentia, omnibus et singulis melioribus via, modo, et juris forma, quibus de jure melius aut efficacius poterimus, nostros veros certos legitimos et indubitatos procuratores, actores, factores, negotiorum nostrorum gestores, et nuntios speciales, nominamus, ordinamus, facimus, constituimus et deputamus per præsentēs: damusque et concedimus eisdem procuratoribus nostris et eorum cuilibet potestatem generalem et mandatum speciale pro nobis ac vice loco et nomine nostris, omnibus et singulis quæ in sacra Synodo sive Convocatione cleri provinciæ Cant. jam apud Westm. tent. et celebrat. ex consilio et deliberatione communi in negotio revisionis libri publicarum precum necnon formæ consecrandi et ordinandi episcopos, presbyteros et diaconos, virtute literarum seu mandati serenissimi domini nostri regis in ea parte direct. ad Dei honorem, ecclesiæ et regni utilitatem salubriter et concorditer ordinari statui vel decerni contingerint, et consensum et assensum respective suos dandi et præbendi, aliisque ex adverso (si et quatenus videbitur expediens) dissentienti et contradicendi; Et generaliter omnia et singula alia faciendi, exercendi et expediendi, quæ in præmissis aut circa ea necessaria fuerint seu quomodolibet opportuna, etiam si mandatum de se exigant magis speciale quam præsentibus est expressum. Et quæ nosmet ipsi facere possemus si præsentēs personaliter

interessemus (juribus, libertatibus præeminentiis et consuetudinibus provinciæ, et ecclesiæ Ebor. dignitate et honore, in omnibus semper salvis et reservatis.) Promittimusque Nos ratum, gratum et firmum perpetuo habituros totum et quicquid dicti procuratores nostri fecerint, seu eorum aliquis fecerit, in præmissis, sub hypotheca et obligatione omnium et singulorum bonorum nostrorum et in ea parte cautionem exponimus per præsentis. In cujus rei testimonium sigillum capitulare Ecclesiæ Cath. Metropolitice B. Petri Ebor. prædict. præsentibus apponi fecimus. Dat. in domo capitulari dictæ ecclesiæ Ebor. ultimo die mensis Novembris anno regni serenissimi Domini nostri Caroli secundi etc. xiii. Annoque Domini MDCLXI."

The form of subscription for the Bishops of the Province of Canterbury was this.⁴⁵

"Librum Precum Publicarum, administrationis Sacramentorum, aliarumq. Rituum ecclesiæ Anglicanæ, unâ cum forma et modo ordinandi et consecrandi Episcopos, Presbyteros, et Diaconos, juxta literas regiæ majestatis nobis in hac parte directas, Revisum, et quingentas quadraginta et quatuor paginas continentem; Nos Gulielmus providentia divina Cantuariensis archiepiscopus, totius Angliæ primas et metropolitani, et Nos episcopi ejusdem provinciæ, et in Sacra Provinciali Synodo legitime congregati, unanimi assensu et consensu, in hanc formam redegimus, recepimus, et approbavimus, eidemq. subscripsimus; vicesimo die mensis Decembris, An. Dom millesimo, sexcentesimo, sexagesimo primo.

"W. CANT."

"Gilb. London.	Georgius Vigorniensis.
Gulielmus Bath. et Wellens.	Georgius Asaphensis.
per. Procuratorem suum Ro.	Guiliel. Menevensis.
Oxon.	Ro. Lincoln.
Matthæus Elien.	B. Petrib.
Ro. Oxon.	Hugo Landovens.
Guil. Bangor.	Johannes Exoniensis.
Joh. Roffens.	Gilb. Bristolensis.
Hen. Cicestrensis.	Guil. Gloucestrensis.
Humphredus Sarum.	Ed. Norvic.

⁴⁵ Taken from Dr. Nicholl's preface to Book of Common Prayer.

To this form of subscription was subjoined the subscription of the Lower House of Convocation, in this form :—

“Nos etiam universus Clerus inferioris domus ejusdem provinciae synodice congregat. dicto libro Publicarum Precum, Sacramentorum et Rituum, unà cum forma et modo ordinandi et consecrandi episcopos, presbyteros, et diaconos, unanimiter consensimus et subscripsimus, die et anno prædictis.

Hen. Fern. Decan. Eliens. et Prolocutor.

Guil. Brough, Decan. Glouc.

Thom. Warmstry, Decanus Wigorn.

Jo. Barwick, S. Pauli London. Decan.

Jo. Earles, Dec. Westmonasterii.

Alex. Hyde, Dec. Winton.

Herbert Croft, Dec. Hereford.

Jo. Crofts, Dec. Norvicensis.

Michel Honywood, Decan. Lincoln.

Edv. Rainsbowe, Dec. Petriburgensis.

Gulielmus Paul, Decan. Litchfield.

Nat. Hardy, Decan. Roff.

Seth Ward, Decan. Exon.

Griff. Ossoriensis, Decanus Bangor.

Johan. Fell, Decanus Ædis Christi Oxon.

Guil. Thomas, Præcentor Menevensis.

Geo. Hall, Archidiac. Cantuar.

Tho. Pask, Archidiac. Londin. per Procuratorem suum
Petrum Gunning.

Robertus Pary, Archidiac. Middles.

Johannes Hansley, Archidiac. Colcest.

Marcus Frank, Archidiac. S. Alban.

Johannes Sudbury, Procurator Capituli Eccles. West-
monaster.

Tho. Gorges, Archidiac. Winton.

Bernardus Hale, Archidiac. Wellensis.

Grindallus Sheafe, Archidiac. Wellensis.

Joh. Shelleck, Archidiac. Bathon.

Johannes Pearson, Archidiac. Suriensis.

Guil. Pierce, Archidiac. Taunton per Procuratorem suum
Ric. Busby.

Guil. Creed, Archidiac. Wilts.

Joh. Rynes, Archidiaconus Berks.

Tho. Lamplugh, Archidiac. Oxon.

Guil. Hodges, Archidiac. Wigorn.
 Franc. Coke, Archidiac. Stafford.
 Edwardus Young, Archidiac. Exoniensis.
 Raphael Throckmorton, Archidiac. Lincoln.
 Jasper Mayne, Archidiac. Cicestrens.
 Geo. Benson, Archidiac. Heref.
 Antonius Sparrow, Archidiac. Sudburiens.
 Robertus Hitch, Archidiac. Leicestrens.
 Guil. Jones, Archidiac. Carmarthen.
 Edvardus Vaughan, Archid. Cardigan. per Procuratorem
 suum Guil. Jones.
 Gulielmus Gery, Archidiac. Norvicensis.

Guil. Fane, Procurator Diœceseos Bathon et Wellens.
 Gualterus Foster, Procurator Diœceseos Bathon et
 Wellens.
 Petrus Mews, Archidiac. Huntington.
 Nicolaus Preston, Procurator Capituli Winton.
 Josephus Loveland, Procurator Capituli Nordovicens.
 Hen. Sutton, Procurator Vigorn. Diœces.
 Richardus Harwood, Procurator Diœces. Glouc.
 Francis. Davis, Archidiac. Landavens.
 Robertus Morgan, Archidiac. Merioneth.
 Mich. Evans, Capituli Bangor. Procurator.
 Rodol. Brideoak, Diœc. Oxon. Procurator.
 Johannes Priaulx, Procur. Capituli Sarisb.
 Guil. Mostyn, Archidiac. Bangor.
 Edvardus Wynne, Diœces. Bangor. Procurator.
 Herbertus Thorndike, Procurator Cleri Diœces. Londinens.
 Johannes Dolben, Capit. Eccles. Cath. Christi Oxon.
 Procurator.
 Ri. Busby, Capit. Ecclesiæ Wellens. Procurator.
 Edvardus Cotton, Archidiaconus Cornubens. per Pro-
 curatorem suum Ri. Busby.
 Guilelmus Dowdeswell, Procur. Capituli Wigornensis.
 Josephus Crowther, Procurator Cleri Wigorn.
 Rad. Ironside, Procurator Diœces. Bristol.
 Ed. Hitchman, Proc. Cleri Glocestr.
 Johannes Howarth, Procurator Capit. Eccles. Petrob.
 Thomas Good, Procurator Diœces. Hereford.
 Gualt. Jones, Procurator Capit. Eccles. Cathed. Cices-
 trensis.
 Petrus Gunning, Procurator Diœces. Petriburgensis.

Jacobus Fleetwood, Capit. Cov. et Lich. Procurator.
 Gualt. Blandford, Capituli Gloucestr. Procurator.
 Hen. Clemham, Decanus Bristol. per Procur. suum Gualter Jones.
 Guil. Herbert, Procurator Cleri Suffolciensis.
 Josephus Maynard, Procurator Cleri Diœceseos Exoniensis.
 Johan. Pulleyn, Procurator Capituli Lincolniensis.
 Richardus Ball, Procurator Capituli Eliensis.
 Basilius Berridge, Procurator Diœces. Lincolniensis.
 Georgius Stradling, Cleri Diœces. Landavensis Procurator.
 Humphredus Lloyd, Procurator Cleri Diœces. Asaphensis.
 Timotheus Halton, Capituli Ecclesiæ Cathedralis Menevensis Procurator.
 Egidius Alleyn, Procurator Cleri Diœces. Lincoln.
 Guil. Foulkes, Capituli Asaphensis Procurator.
 Richardus Clayton, Cleri Diœces. Sarisburiensis Procurator.
 Josephus Goulston, Diœces. Winton. Procurator.
 Guil. Rawley, Cleri Eliens. Procurator."

The bishops of the Province of York subscribed according to this form:—

"*Librum Precum Publicarum, administrationis Sacramentorum, aliarumq. Rituum Ecclesiæ Anglicanæ, una cum forma et modo ordinandi et consecrandi Episcopos, Presbyteros, et Diaconos, juxta literas regię majestatis nobis in hac parte directas, Revisum, et quingentas quadraginta et quatuor paginas continentem; Nos Acceptus providentia divina Eborum archiepiscopus provinciæ in Sacra Provinciali Synodo legitimè congregati, unanimi assensu et consensu in hanc formam redeimus, recepimus, et approbavimus, eidemq. subscripsimus, vicesimo mensis Decembris, Anno Dom. millesimo, sexcentesimo, sexagesimo primo.*

"AC. EBOR,

"Jo. Dunelmensis.

"Rich. Carliol."

The subscription of the clergy of the Province of York was in this form :—

“Nos etiam universus Clerus inferioris domus ejusdem provinciæ Ebor. synodice congregati, per nostras respectivè procuratores, sufficienter et legitimè constitut. et substitut. dicto libro Publicarum Precum, administrationis Sacramentorum et Rituum, una cum forma et modo ordinandi et consecrandi Episcopos, Presbyteros, et Diaconos, unanimiter consensimus et subscripsimus die et anno prædictis.

“HENR. FERN.
JO. BERWICK.
ROB. HITCH.

MATT. SMALLWOOD.
HUMPHREDUS LLOYD.
AND. SANDILAND.”

“10 Feb. 1703.—Gulielmus Stainforth and Carolus Palmer, Commissarii—they prorogue the Convocation in the usual form to the 16 March, “vel ad aliquem alium diem citra si opus fuerit.”

“POSTEA, viz., vicesimo primo die mensis Februarii, prædicti iidem venerabiles viri Commissarii antedicti, ob certas causas urgentes se in ea parte specialiter moventes, decreverunt monitionem sive intimationem omnibus et singulis prælatis, procuratoribus et clericis dictæ sacræ Synodi spectandis, ad comparendum in dicta domo capitulari die martis jam prox. sequenti etc. ad tractandum et deliberandum de et super gratiis serenissimæ in Christo principi et dominæ nostræ Annæ D. G. Angliæ Scotiæ Franciæ et Hiberniæ reginæ, fidei defensori etc. ob causas et rationes infra nominatos agendis.

“Tunc solemnî tractatu ac deliberatione in dicta Synodo sive Convocatione præhabitis de et super serenissimæ dominæ nostræ dominæ reginæ munificentia, in assignando nuper et allocando primitias et decimas totius regni Angliæ in uberio-rem clericorum sustentationem, qui præ tenuitate proventuum et proficiorum ecclesiarum suarum honeste et ut ministros Dei decet vivendo non sunt, in perpetuum erogandas; statuerunt et decreverunt solennes gratias eidem serenissimæ dominæ Reginæ in ea quæ sequitur forma agendas et præsentandas, viz.

“To the Queen’s most excellent Majestie. The humble address of the Clergie of the Province of Yorke in Convocation assembled.

“May it please your most excellent Majestie.

“Wee the Clergie of the Province of Yorke in Convocation assembled, doe for ourselves and on the behalf of all our brethren of the same province, whom we represent, humbly beg leave to throw ourselves at your Majestie’s feet, in most hearty and thankfull acknowledgment of your Majestie’s most pious and affectionate care for the Church of England, expressed in your late message to the House of Commons, wherein your Majestie is graciously pleased to declare that you will give your whole Ecclesiasticall Revenue and First-fruits and Tenths, as it shall become free from incumbrances, to be applied to the augmentation of poor Benefices throughout England. Wee cannot forbear saying that your Majestie has in this surprizing instance of your kindness to the Church, outdone all your Royall Predecessors since the Reformation. They took care that our holy Religion should be purged from the Errors and Superstitions with which Popery had corrupted it, and they took care likewise that it should be transmitted to us, and for this their memories will be for ever blessed. But your Majestie not only takes care to preserve our religion in the same purity, and to protect our Church in all its legall rights and privileges, but has further taken care also that the ministers of it shall in due time have a competent maintenance, the want of which provision was indeed the great, if not the only, blemish of our Reformation. And therefore doubly blessed will your Majestie’s memory be in all succeeding generations. As we are sure that this pious and charitable gift of your Majestie is highly acceptable to God, who fails not to recompence even a cup of cold water given to a Prophet in the name of a Prophet, so we cannot but hope it will have such an effect upon all your Majestie’s subjects who love our Church and Religion, and especially upon us of the Clergie, that we shall endeavour more and more (if it be possible) to express our zeal for your Majestie’s service. And particularly we shall think ourselves obliged every day to put up our most earnest prayers to God Almighty for your Majestie’s long life and happy reigne over us, and that for this exceeding goodness of your Majestie He

would add an abundant increase to the glorious rewards that we doubt not are laid up for you in His heavenly kingdom."

"Tunc iidem Commissionarii de et cum consensu dictorum collegarum suorum eisdem consentierunt ac dictæ serenissimæ dominæ Reginæ præsentand. fore decreverunt. Et ulterius," etc.

"15 April, 1743.

"We, Richard Osbaldeston, Doctor of Divinity, Dean of the Cathedral Church of York, and Thomas Lamplugh, Clerk, Master of Arts, a Canon Residentiary of the said church, two of the keepers of the spiritualities of the Archbishoprick of York amongst others lawfully constituted and appointed, with this clause jointly and severally, by the Right Worshipfull the Dean and Chapter of the Cathedral and Metropolitan Church of Saint Peter of York (to whom all manner of spiritual and ecclesiastical jurisdiction which the see being full did belong to the Archbishop of York, the said see being now vacant, is evidently known to belong), rightly and lawfully proceeding, do pronounce all and singular persons contumacious who are obliged to appear, and have no ways appeared, in this Synod or Convocation, and in penalty of such their contumacy we do decree to proceed further in this holy Synod or Convocation, their absence or contumacy in any wise notwithstanding. But we reserve the penalty of this their contumacy to and untill Friday the seventeenth day of June next ensuing, between the hours of eight and twelve in the forenoon of the same day, or any other day betwixt this and that day (if occasion requires), and we do continue and prorogue the said Synod or Convocation to and until the same day, or any other day in the meantime (if there shall be occasion), admonishing all and singular persons now present, whom by this writing we do admonish then again to appear in this Synod or Convocation, to proceed and attend the proceedings therein as the nature and quality thereof require.

"This schedule was read in the Chapter House of the Cathedral and Metropolitan Church of St. Peter of York, on Friday the fifteenth day of April, in the year of our Lord One thousand seven hundred and fifty three. By us

"RICD. OSBALDESTON.

"THOMAS LAMPLUGH."

(⁴⁶) *Seal of the Archbishopric of York.* } EDWARD, by Divine Providence, Lord Archbishop of York, Primate of England, and Metropolitan, President of the Synod or Convocation of the Prelates and Clergy of the whole Province of York. To the Right Worshipful William Cockburn, Doctor in Divinity, Dean of the Cathedral and Metropolitan Church of Saint Peter, in York: and also the Honourable and Reverend Edward Rice, Clerk, Master of Arts, Precentor of the same Church; the Reverend Leveson Vernon Harcourt, Clerk, Master of Arts, Chancellor of the same Church; the Reverend William Vernon Harcourt, Clerk, Master of Arts; Charles Hawkins, Bachelor of Laws; William Henry Dixon, Clerk, Master of Arts, and Charles Johnstone, Clerk, Master of Arts, Residentiaries of the same Church, jointly and severally Greeting. We do by these presents commit unto you all, or unto any one or more of you, our office and authority, and full power and faculty, together with the power of any Canonical and Ecclesiastical Coercion whatsoever, to preside in the said Synod or Convocation in our stead, place and name, when and as often as we shall chance to be absent, and to expound and interpret the causes and matters of the said Synod or Convocation, to hear them so expounded and declared, and, together with the said Prelates and Clergy of our Province of York, to treat, confer, and conclude of and concerning the same, together with whatsoever matters and things are incident to, arising from, depending upon, annexed and connext to them, and to assent to those things which shall happen to be then and there determined and ordained by common advice and counsel, and to authorize the same, or to dissent from them, and to pronounce all and singular contumacious who shall not make their appearance, and to correct and punish their respective contumacies, and according to the exigencies of law, and to do, exercise, perform, and dispatch all and singular the other matters and things which belong to us, our authority and jurisdiction, in and during the Convocation aforesaid, and which We ourself, if we were personally present in the said Convocation, could do, perform, or of right and custom, might exercise and dispatch. Given at our Palace at Bishopthorpe, the twenty-second day of September, in the year of our Lord, one thousand eight hundred and forty-seven, and the fortieth year of our translation.

(⁴⁶) Five shilling stamp on this instrument.

"12th Nov. 1849.

WE, Charles Hawkins, L.L.B., Prebendary of the Cathedral and Metropolitan Church of St. Peter in York, one of the Keepers of the Spiritualities of the archbishoprick of York, the archiepiscopal see being vacant, amongst others lawfully authorized, rightly and lawfully proceeding, do continue and prorogue the said Synod or Convocation, to and until Friday the nineteenth day of November, in this place, according to the tenor and effect of Her said Majesty's writ, or command, to the Most Reverend Father in God Edward late Lord Archbishop of York directed, and now publicly read by our command, admonishing all and singular persons now present then again to appear in this Synod or Convocation, to proceed and attend the proceedings therein, as the nature and quality thereof require.

"This schedule was read in the Chapter House, in the Cathedral and Metropolitan Church of St. Peter, in York, on Friday, the twelfth day of November, one thousand eight hundred and forty-seven.

CHARLES HAWKINS."

"VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To our beloved and faithful the Dean of our Metropolitan Church of Saint Peter, York, and the Chapter of the same Church, Greeting. Whereas the present Convocation of the Clergy of the province of York, by our command by our writ, was lately summoned to be holden at the said Cathedral Church, or elsewhere as it should deem most convenient, on Wednesday, the twenty-second day of September now last past, and from thence by our several writs has been prorogued to and until Friday, the nineteenth day of November instant, to be then there holden. And whereas the Metropolitan See of the said province of York is now vacant by the death of Edward, late Archbishop thereof: and forasmuch as the said Convocation cannot be held or carried on in consequence of the death of the said Archbishop, We do hereby authorize and command you, the said Dean and Chapter, to proceed to

the election of a President of the said Convocation of the clergy of the said province of York ; and we do hereby empower you, the said Dean and Chapter, to do all things necessary for the election of a President of the said Convocation. Witness ourself at Westminster, the sixteenth day of November, in the eleventh year of our reign.

By the Queen herself,

Signed with her own hand,

VICTORIA, R.

EDMUNDS.

(Great Seal of England)."

"19th Nov. 1849.

"IN the Name of God, Amen. We, William Henry Dixon, Clerk, Master of Arts, Canon Residentiary of the Cathedral and Metropolitan Church of Saint Peter of York, President of the Synod or Convocation of the Prelates and Clergy of the whole Province of York lawfully authorized, rightly and duly proceeding, do pronounce all and singular persons contumacious who are obliged to appear, and have no way appeared, in this Synod or Convocation, and in penalty of such their contumacy, We decree to proceed further in this Holy Synod or Convocation, their absence or contumacy in anywise notwithstanding. But we reserve the penalty of such their contumacy to and until the twelfth day of May next ensuing, between the hours of eight and twelve in the forenoon of the same day (if occasion require), and We continue and prorogue the said Synod or Convocation to and until the same day, or any other day betwixt this and that day (if there shall be occasion), admonishing all and singular persons now present, whom by this Writing we do admonish, then again to appear in this Synod or Convocation, to proceed and attend the proceedings therein as the nature and quality thereof require.

"This Schedule was read in the Chapter House of the Cathedral Church of Saint Peter in York, this nineteenth day of November, in the year of our Lord, one thousand eight hundred and forty-seven.

W. H. DIXON."

CHAPTER VI.

OF THE CONSTITUTION OF THE TWO
CONVOCATIONS.

Parliamentary appearance.—System of the Church.—Authority of Synods.—Mistakes of law writers.—Prerogative of the Episcopate.—Lesser Prelates.—Proctors are delegates from inferior Synods.—Two Houses of Convocation.—Subordination of the lower.—Mistakes in 1688.—Three elements in Convocation.—Originally one assembly.—Occasional prolocutors.—Upper and lower Houses of Canterbury and York. I. ARCHBISHOP as President.—Royal Writs.—Contumacy.—Powers of the Archbishop.—Prerogations.—Dissolution.—Substitutes.—Vacancy of Archiepiscopal Sees. II. UPPER HOUSE.—Locus Synodi.—Spiritual obligation of Bishops.—Colonial Sees. III. LOWER HOUSE.—Lesser Prelates.—Suffragan Bishops.—Cathedral Dignitaries.—Officials.—Chancellor of York.—Capitular Proctors.—Proctors of the Clergy.—Peculiars.—Rule in York Province.—In Canterbury—Diversity of customs.—Late elections.—Rights of Curates.

OUR political and common-law writers naturally dwell upon "the Parliamentary appearance" of the Convocations. Their division into an Upper and Lower House, the issue of elective writs to the chapters and archdeaconries, as it were to the counties and boroughs of the spirituality, with the right of imposing taxes and the concurrent power of representing grievances—all seemed the counterpart of that state polity to which this country is indebted for its liberties and good order. This analogy of parliament was the main argument with the Lower House in those disputes at the beginning of the last century, which terminated in the practical suspension of Convocation; and it has no doubt contributed to the mistaken idea, that our Convocations had

their origin in the policy of the English Justinian, and are political, not ecclesiastical, Institutions.

We have seen, however, that the views of Edward I. were successfully withstood, and the ancient system of the Church was retained. That system admitted many features identical with those of the State, but it originated in a higher authority, and was charged with an office to which Parliament can have no parallel. The Synods of the Church were not only legislative assemblies for the ordering of her affairs as a body corporate, but they were also the guardians and witnesses of "the Faith once delivered to the Saints."¹ It was here that the collective episcopate of the country advised with their fellow-labourers in the ministry, and exercised that office in matters exclusively spiritual which the Church Catholick has inherited from the Apostles.

The authority of Synods in such matters is derived, not from the body by representation, but from the Divine Head by spiritual succession. It existed first and entire in the Inspired Twelve, to whom the Commission was given to go and baptize all nations. It exists in like manner in the mother Church, which founds a Christian Mission before there are any children to acknowledge its sanctions: and though the paternal character of the Christian discipline readily admitted the rise and expansion of the representative element, as the Church increased and comprehended divers interests within her pale, yet it could never lose sight of its true origin, nor suffer itself to be confounded with the fluctuating governments of a tran-

¹ See Article xx.

sitory world. It was doubtless this principle, so little comprehended by secular writers,² which led the bishops and clergy to resist the apparently patriotic designs of our first Edward, and refuse to merge their Ecclesiastical Synods in a third estate of parliament.

Hence also, the Provincial Convocations, which originally consisted of the bishops and abbots as governors of the Church, attended by some of the clergy having no definite power or vote in their deliberations, were gradually enlarged, first by the admission of deans and archdeacons, and then of other

² See, for instance, the confused language of the Lord Chief Baron Gilbert in his *History of the Exchequer*, quoted by Burn, and most of the law books. The King's Writ of *Præmunientes* (which was a summons to *Parliament*) altered (we are told) the English *Convocation* from the foreign synods. And though the inferior clergy, by this new scheme of Edward the first, were let into the power of making Canons (his Writ being exclusively for *pecuniary* assistance) yet they *foresaw* they were to be taxed! Then "to take away all pretence there was a summons, besides the *præmunientes* clause, to the archbishop," &c. and so the bishops and clergy came to *Convocation*:—the "summons" referred to, being a *parliamentary* Writ to the archbishop, which the clergy refused to obey, and which was never issued after the reign of Edward III.: and the "Convocation" being the old Ecclesiastical Synod, existing before and independent of all writs from the crown. This is even acknowledged by the same author;—"that the archbishop might not appear to summon them solely in pursuance of the King's Writ, he, *for the most part*, varied in his summons from the King's Writ, both as to the time and place of their meeting. And lest it might be thought still that their power was derived from the temporal authority, they sometimes met on the archbishop's summons, *without* the King's Writ; and in such convocation the King demanded supplies, and by such request owned the episcopal authority of convening, so that the King's Writ was reckoned by the clergy no more than one motive for their convening . . . for they would not consent that the prince had any ecclesiastical authority to convene *Synods* (he endeavoured only to convene them to *parliament*), but they allowed the King's Writ to be a motive for the archbishop to convene," &c.—*Burn's Eccl. Law, Tit. Convocation.*

yet more subordinate prelates.³ When a representation of the subject clergy was conjoined, it was based not upon the numbers, wealth, or individual judgment of the electors, but upon their place and duty in the system of the Church. *Jurisdiction*, not population, guided the distribution of the elective franchise; the deans and archdeacons appearing in person, as governors and ordinaries under the bishops, and the proctors representing the spiritual corporations in which those dignitaries presided. In fact, the lower House of Convocation is a delegation from the *inferior Synods* of the Church, and not like the House of Commons, a general representation of the community at large.

It follows that the division into two Houses, which in parliament was claimed by the Commons in order to secure their own freedom of debate, is further essential in Convocation to protect the distinct functions of the episcopate. The bishops, being by consecration the true depositories of spiritual power, can never vote in common with the more numerous Order created by the imposition of their hands. The separation, therefore, is not as in parliament, into a *permanent* and a *representative* chamber, but into the *two orders* of bishops and priests; the upper House (since the removal of the mitred abbots) consisting of diocesan bishops only, and the Lower, including all of the second order, whether appearing in their own right or as the representatives of others.

An important result of this essential distinction is, that the Lower House, so far from engrossing the power

³ See the description of Othobon's Council, "*omnes qui quocunque praelationis titulo praesidere videbuntur.*"

which in temporal governments follows the representation of the people, can never justly pretend to a co-ordinate authority with the Upper. In this country, where the privileges of the priesthood have been thought to be carried further than in most others, the Lower House is still bound to a submission which would never be tolerated in parliament. It was always allowed to them to represent their grievances, and they were also called upon for such articles as appeared to them to require reform. But both the *gravamina* and the *reformanda* of the clergy were submitted with a profound humility to the bishops, by whom alone a canon or constitution could be enacted.

In the Convocation assembled immediately after the Revolution of 1688, when the liberties of the Commons were the uppermost thought in the public mind, and the bishops appeared to be more than usually in subservience to the Crown, these essential distinctions of an Episcopal Church were occasionally overlooked by the clergy. Dr. Atterbury, their great champion, showed more anxiety for the rights of Englishmen under the writs of the crown, than for the spiritual and ecclesiastical constitution of the Synod. The bishops, on the other hand, or rather the crowd of royal and episcopal chaplains who won their preferment by depreciating the clergy, employed their learning almost entirely against the privileges of the Lower House. Hence, the writings on both sides need to be carefully sifted, and compared with the records, before their statements are to be admitted.

A Provincial Convocation consists of three elements :

I. The ARCHBISHOP. II. His Suffragan BISHOPS; and III. The CLERGY of the second order.

These originally met in one assembly, under the presidency of the archbishop; his brother bishops sitting and deciding with him, as the primary authority in the Synod. For at no time did the bishops treat and vote indiscriminately with the other clergy. If a general agreement did not follow on the first proposal of the question, the clergy withdrew to another part of the church or chapter house, and returned their answer as a body by one of themselves, who was chosen *prolocutor* for the occasion. When the question affected the peculiar interests of the religious Orders, they also would consult apart from the secular clergy, and thus a Convocation might be resolved into three or more sections, each with its own spokesman, *prolocutor*, *referendarius* or *organum cleri*—as they were indifferently called—and then again be united in one formal Synod.⁴

In the province of Canterbury, from at least as early as the beginning of the fourteenth century, the clergy have regularly retired, at the commencement of the Convocation, from the presence of the archbishop into another apartment, where they constitute a distinct

⁴ An. 1152. "Sevocavit in partem legatus episcopos habuitque cum eis arcanum consilii, mox abbates, postremo archidiaconi convocati. Ex concilio nihil processit in publicum," etc.—*Hody*, iii., 53.

An. 1369. 11 Kal. Feb. "Rogavit (archiepiscopus) dictos religiosos quod se insimul traherent ad aliquam partem ecclesiæ, et clerum suæ dioceseos et provinciæ quod ad aliam partem ejusdem ecclesiæ se traherent tractarent et deliberarent."—*Syn. Angl.* 80.

An. 1426, April 20. "Communicatum fuit inter prælatos ac etiam clerum se ad unam partem domus ejusdem capitularis retrahentem."—*Hody*, iii. 264.

chamber, presided over by the Prolocutor, with officers and journals of their own. These two bodies are called the Upper and Lower Houses of Convocation.

The Convocation of York is commonly said to consist but of one House: but this is a mistake. The same distinction exists as in the province of Canterbury; the clergy retiring to their own accustomed place of assembly, and appointing a Prolocutor as often as any business is to be transacted.⁵ Such occasions, indeed, have been rare since the Reformation, and as the bishops have seldom attended in person, the merely formal meetings have been conducted in one assembly, agreeably to the usage of ancient times. There are consequently no separate records or officers attendant for the Lower House at York.

I. THE ARCHBISHOP possesses the sole power of summoning and presiding in the Synod of each province. He is governed herein by the necessities of the Church, and the canons of the General Councils, which were frequently appealed to in our earlier mandates for Convocation.

In this country the King also has ever claimed the right of requiring the archbishops to summon their Convocations for the counsel and aid of the Crown. And by the Act of Submission (25th Henry VIII. c. xix.) it is further enacted that no Convocation shall be convened without the *previous command* of the Crown. Such authority has usually been given at the summoning of every parliament, and it is now agreed that the Convocations of the two provinces are of right to be assembled concurrently with the parliament.

⁵ See Act. Conv. Ebor. *ante*.

"But as the parliament and Convocation are separate bodies, independent of one another, and called together by different writs, the dissolution of parliament doth not necessarily, or in any respect, dissolve the Convocation."⁶

The Crown has authority also to issue writs to the archbishop for the *prorogation* of Convocation, and usually does so concurrently with the prorogations of parliament. Still the queen

"by her writ does not either assemble, prorogue, or dissolve, the Convocation, but direct and require the archbishop so to do."⁷

This command the archbishops obey in their own canonical mode of procedure. The royal writ does not of itself operate as a continuation or dissolution, any more than as a convocation, of the Provincial Synod. Neither is the archbishop bound to its *instantaneous* execution. On the contrary, the very first writ of prorogation we meet with (anno 1532, May 15), was read in the morning, and yet the Convocation sat till noon, and after dinner met again.⁸

It is part of the archbishop's prerogative of summoning, to pronounce *contumacious* those who do not attend, or who presume to depart from the Convocation without his leave. He has power to punish such contumacy by sequestration of benefice, or suspension from office, and also at his pleasure to remit the penalty and absolve the offender.⁹

⁶ Burn. Tit. "Convocation."

⁷ Resolutions of the upper House. Card. Synod. preface xvii. *infra*.

⁸ Syn. Angl. 186. Again, the king's writ for the dissolution of the Convocation of York was issued 21st Dec. 1601, but the Convocation having been prorogued on the 23rd to 7th January, was then dissolved.—*State*, &c., 506.

⁹ Anno 1588, March 28. "Absentes et absque veniâ abeuntes, im-

It further belongs to the archbishop, to explain the causes of Convocation being assembled, and to command the lower clergy to retire, and elect their Prolocutor.

Lastly, the archbishop has a *veto* upon all the acts of his Synod; since no resolution, even of both Houses, can take effect except with his concurrence. This veto the archbishops usually reserve to themselves, even when committing to others the power of presiding in their place.¹⁰

It is the doctrine now commonly received, that the archbishops may likewise *continue* or *prorogue* the Convocation at their pleasure; but it would appear that formerly such prorogations, with all other acts and orders of the president *after the opening of the Synod*, were ever made *de assensu confratrum episcoporum*. The passing of Subsidies in Convocation ceased in 1665, and the Records of Convocation were destroyed in the fire of London the following year. In the next Convocation a succession of prorogations took place, probably without the attendance of the bishops; during these the innovation must have been effected by the archbishop's officers: for, in 1670, the schedule of prorogation runs in the sole name of the archbishop, without any mention of his brethren,¹¹ and that form would appear to have been subsequently maintained. On the principles acknowledged both in

primis episcopus Lichfeldensis, ab archiepiscopo fuerit suspensi."—*Card. Syn.* ii. 573.

Anno 1606, 2nd April. "Inter illos Doctor Stern suffraganeus episcopus Colcestrensis ab officio suspensus est." *Ib.* 588. See also the Absolution of Mag. Hill. Proc. B. Wellens.—*Ib.* 590.

¹⁰ *Card. Syn. Pref.*, xix., but this does not appear from the present commissions; see page 117.

¹¹ *Syn. Angl.* 231.

Church and State, it would seem that the archbishops cannot rightly prorogue the Synod without the approval of the majority of the bishops, or the command of the Crown.

The Convocations are now always *dissolved* in obedience to the royal writ, which is issued at the dissolution of parliament. Being summoned at the Queen's command, it is presumed they could not lawfully be dissolved without the same authority. The demise of the Crown is held to dissolve the Convocations *ipso facto*, since the statute of William III., which provides for *parliament* continuing for six months, was not extended to Convocation.¹² The death of the archbishop however has not that effect.

In former days the archbishops, as presidents of their respective Synods, were accustomed to promulgate and ordain in the assembly constitutions which they brought in ready drawn for the purpose; and sometimes this authority was exerted and submitted to without any Synod being actually convened. But such irregular prerogatives have long ceased to be recognized, and the archbishops can now enjoin nothing without the consent of a majority of the Upper House.

In the Convocation of Canterbury the archbishop usually presides in person, or when prevented from doing so, constitutes the Bishop of London, or some other member or members of the Upper House, his commissary. The Archbishop of York has but seldom attended his Convocation in person since the Reformation.¹³ His authority is now usually entrusted by a

¹² State, &c., 533.

¹³ The practice was revived by good Archbishop Sharp, the friend of his clergy and the ornament of the Bench.

commission under his hand and seal, jointly and severally, to the dean, the precentor, chancellor, and residentiary canons of the Metropolitan Church.

In the *vacancy* of either archiepiscopal see, the powers of president devolve on the Dean and chapter, as keepers of the spiritualities. They receive the royal writ to convene the Convocation, and issue the necessary mandates. When the Convocation meets, the dean and chapter of Canterbury commission the Bishop of London to preside. In York the guardians of the spiritualities either preside themselves, or appoint a president who need not be a bishop. In case of the archbishop dying during the meeting of Convocation, a royal writ issues to the dean and chapter to continue the proceedings and appoint a president.¹⁴

II. THE UPPER HOUSE is the proper *locus Synodi*,¹⁵ where all the bishops of the province have a right to sit and vote with the archbishop, and are canonically bound to give their attendance. Before the Reformation the mitred abbots had place in the Upper House, which is said to have then exceeded the Lower in number. Still it appears that the bishops upon occasion gave their judgments alone, as the true comprovincials of the archbishop.¹⁶

This house now consists of the *diocesan* bishops only; and their attendance here is not, like their seats in parliament, a privilege dependent upon the

¹⁴ See Acta Conv. Ebor. *ante*, and the Forms in chap. ix.

¹⁵ Syn. Ang. 303.

¹⁶ Anno 1529. "Exclusis omnibus præter suffraganeos reverendissimus habuit communicationem cum eis, intraverunt postea abbates * * * postea ingressus est prolocutor cum quibusdam de clero."—*Act. Conv. sess. 4. apud Rights, &c.*, p. 489.

laws of any particular age or kingdom, but an inalienable part of the episcopal function. Every bishop at his consecration takes the oath of canonical obedience to his metropolitan, and is thereby bound to afford him counsel in the Provincial Synod. The archbishop is bound in like manner, by the canons of the general councils, to summon his suffragans to this duty. Hence the Bishop of Sodor and Man is cited to the Convocation of York, in virtue of the canonical relation only; and the same may be observed of the lately-created Bishops of Ripon and Manchester, to whom the Archbishop of York sent his mandate immediately upon their consecration, without either canon or statute being passed for the purpose. Those bishops in like manner cite their inferior prelates and clergy, in virtue of the canonical power inherent in their sees.

Such being the case, it may be questioned whether the *colonial bishops*, who are all consecrated as suffragans of the province of Canterbury, and owe canonical obedience to the archbishop, ought not to be cited to the Upper House. There are usually some in this country who might be able to attend in person, and proxies could appear for those who are beyond the seas.

III. The LOWER HOUSE consists of, 1. the *prælati minores*; 2. the *capitular proctors*; and 3. the proctors of the *parochial clergy*;—classes admitted at different stages of the Provincial Synod, but now sitting and voting in common by the title of “the prelates and clergy of the lower House.”

1. The Lesser Prelates, who numbered before the Reformation the subordinate *priors* of the regular Orders, with

other conventual and cathedral dignitaries, are now reduced to *deans* and *archdeacons*. These appear, like the bishops, in right of their dignities ; the original ground of their summons being the jurisdiction assigned to them as inferior ordinaries. The archbishop's mandate requires the bishop to cite them to Convocation without specifying their particular number or designation, and it may therefore be presumed that the simple creation of a deanery or archdeaconry entitles its incumbent *de facto* to a summons to Convocation.

The *suffragan bishops* appointed under the statute 26th Henry VIII., c. xiv., also sat (it appears) in the Lower House.

Anciently some of the *precentors*, *treasurers*, *chancellors*, &c., of cathedral churches, gave attendance in Convocation, and the Archbishop of Canterbury's mandate still includes the "dignitaries" among the persons to be cited by the bishop. The only cathedral, however, that actually returns them is that of Wells, where the precentor, chancellor, treasurer, and sub-dean, all appear in the bishop's return, in addition to the dean. Their right to separate *votes* must certainly be questioned.

In the Northern Province the Keepers of the peculiar jurisdictions of Howden and Allerton, have always been summoned to Convocation as ordinaries ; but those peculiars having been lately abolished, it is supposed that both the name and the summons will expire with the present holders.

The *officials* of the several archdeacons also appeared in that Convocation down to the year 1545, but neither these nor the rural deans have been called in either province since the Reformation.

Upon some few occasions the Chancellors of the Universities of Oxford and Cambridge have been admitted into the Convocation of Canterbury,¹⁷ and it has been said that "the chancellor of the see of York, though a layman, is always a member of that Convocation."¹⁸ But this is certainly erroneous: it is perhaps a mistake for the chancellor of the *Church*, who is a clergyman, and one of the four great dignitaries of that cathedral. In point of fact, however, no chancellor of York has been found in any of the existing lists of Convocation. The chancellor of the *diocese* anciently acted for the archbishop in assembling, proroguing, and dissolving the Convocation, and the chancellor of the *church* is at present included in the commission which is regularly issued for that purpose.¹⁹

2. The Capitular Proctors, as we have seen, were earlier taken into Synod than those of the parochial clergy. Regard was probably had not only to their extensive possessions, but to the spiritual jurisdiction of the chapters, as ordinaries of their *appropriate* benefices. The numbers of such proctors appears to have been anciently much at the discretion of the chapter, and possibly they possessed but a single voice *jointly* in the decisions of the House.

In Archbishop Kemp's Convocation, A. D. 1452, there were two proctors for each of the chapters of Lincoln, St. David's, and Rochester. The latter is now the only

¹⁷ Hody, iii. 266.

¹⁸ Hody, 429.

¹⁹ In *State, &c.*, Appendix, No. xxxiii., Wake has given a mandate from the Archbishop (A. D. 1290) addressed "Officiali Ebor," to call the Convocation. This may be the lay chancellor (who is "official principal,") employed like the dean of the southern province to cite the bishops and clergy; and if so he would probably appear with the certificate of his having executed the mandate.

chapter in the southern province which retains that privilege, and each proctor claims a separate voice. So also in the northern province, the Metropolitan Church of York returns *two* proctors (though formerly it was otherwise). With these exceptions the chapters in both provinces are represented by one proctor for each.

It has been questioned whether in the election of capitular proctors, the deans are entitled to vote,²⁰ and it is clear that they are not; since both in the citation and the præconization the dean is called *by himself*, and the chapter only by procurators. There are also *procuratoria* on record by which a prior and convent appoint different proctors, and others from chapters in their own name to the exclusion of the dean.²¹ It is urged indeed the deans are (many of them) residentiary canons also in their respective chapters, and there would be reason in this argument if the canonry were a separate office accidentally united to the dean, as in the case of a dean who is canon in another Church. But

²⁰ In the chapter of York, on a poll in 1852, the two proctors were returned by the vote of the dean, the canons having given an equal number of votes to three candidates and a lesser to the fourth. This case is to be brought by petition before the Convocation at its assembly.

²¹ *State, &c.*, Appx. No. xli. Anno 1304, Prior of Worcester appoints his brothers A and B, and the convent N and O, their proctors in parliament. No. lxxiii; Anno 1325, "*nos capitulum ecclesiæ Lincoln,*" two proctors in parliament. No. xcv. Anno 1357, "*nos capitulum ecclesiæ B. Petri Ebor,*" three proctors in parliament. No. xevi, "*nos capitulum eccl. B. Pet. Ebor,*" one proctor in *Convocation*. No. ciii. the Prior of Worcester without the convent appoints *two* proctors to *Parliament and Convocation*. No. cxxviii. Anno 1508, "*nos capitulum ecclesiæ met. B. Petri Ebor,*" proctors to Convocation. No. cl. "*nos capitulum ecclesiæ metrop. Ebor,*" *four* proctors to parliament and *six* others to Convocation.

where the canonry is permanently annexed to the deanery, and is in fact part of the same office, it can never be ruled that the holder is entitled to appear first in his own person, and a *second* time by his representative.

3. The last and most peculiarly *English* element of the Lower House are the Proctors of the *parochial clergy*. Here an important difference exists between the two provinces. In the Convocation of York the rule is for the clergy of each archdeaconry to appear by two proctors, who are elected by themselves in a synod of the archdeaconry summoned for that purpose. The exceptions are the archdeaconries of Richmond, Chester, and the Isle of Man, which till lately returned but one proctor each. On the erection of the diocese of Ripon, however, that portion of the archdeaconry of Richmond which was included within its limits appeared, according to the rule of the province, by two proctors, and the same rule was adopted in 1847 in the archdeaconry of Chester.

Moreover, in this province the clergy of the large peculiar jurisdiction of the dean and chapter of York had two proctors, and the peculiars of Howden and Allerton one each. These seats have been lost through the recent transfer of all the peculiars to the jurisdiction of the archdeaconry. Hence it is presumed that, as in the case of Richmond in the diocese of Ripon, the constitution of a new archdeaconry should give its clergy *ipso facto* a title to *two* representatives.

In the province of Canterbury the representation of the clergy is far less efficient. Two proctors only are admitted from every *diocese*. Still the clergy often vote by archdeaconries. Where the diocese contains

but two of those divisions, the most usual custom is to elect one proctor in each, but where there are more archdeaonries the clergy elect two in each, and a subsequent selection is made from the persons chosen, of proctors to sit in Convocation. This selection is in some instances made by the elected parties, but in others by the bishop of the diocese.²² The result is that the clergy of this province are largely represented by persons in whose election they had no voice.²³

The number of the archdeaonries also being different in the several dioceses, much uncertainty and variety of practice has obtained at the elections. The following is the manner in which they were conducted in the present year, 1852.

In the dioceses of Lincoln, Oxford, Canterbury, Ely, St. David's, Bangor, Bath and Wells, Peterborough, Worcester, Exeter, and Gloucester and Bristol, two proctors were chosen by the clergy of the whole diocese, assembled at one meeting or Diocesan Synod: in the two first-named dioceses the bishops presided in person.

A similar course was taken in Hereford and St. Asaph, except that the clergy were *directed* to elect one proctor from each archdeaonry.

²² Archdeacon Wigram stated at the election in Winchester, 1852, that this was at one time the prevailing custom *throughout the province of Canterbury*, and as such had been adopted and again abandoned in the diocese of Winchester. Bishop Kennett says that in some instances two proctors were returned to Convocation for each archdeaonry, as in the province of York.—*Eccl. Syn.* p. 141.

²³ It is said that at the late election in the diocese of Rochester the bishop returned the two who had the *least* number of votes, and were consequently the persons whom the clergy had *decided against*.

In Winchester, Chichester, and Norwich,²⁴ which also severally contain two archdeaconries, the clergy were assembled separately in each archdeaconry, and there elected one proctor.

In London and Rochester two proctors were chosen in every archdeaconry, out of whom the *bishops* afterwards selected the two to sit in Convocation.

In Lichfield and Salisbury two were in like manner elected in each archdeaconry, but the persons elected being subsequently assembled by the bishop's authority at the cathedral, *themselves* appointed the two who should proceed to Convocation.

In the diocese of Llandaff alone, a practice, exploded in every other, was continued. The canon in residence, with one of the minor canons and another clergyman, having met without troubling the rest of the clergy, appointed one proctor for the chapter and two for the diocese.

At many of these elections a question was raised, as to the effect of the late alteration of limits in many dioceses, upon the constituency of Convocation. It was thought by some good authorities, that Acts of parliament, and the consequent proceedings of the Ecclesiastical Commission, were not to affect the elections for Convocation, but that these must proceed according to the divisions and customs of the seventeenth century. But this was generally disallowed, as too nice and technical a point to be sustained. The principles of Convocation require the clergy to attend their own ecclesiastical ordinaries and superiors. As a dean or

²⁴ The bishop of Norwich presided at the election in the *archdeaconry* of Norfolk.

archdeacon is to be cited personally in right of his dignity, so the chapter or archdeaconry by their proctors, in virtue of their *de facto* relation to the dignitary; and this relation is enforced by the requirements of canonical obedience. The officiating authorities accordingly proceeded upon this principle in every instance. A protest, however, was entered at Worcester against the admission in that diocese of the clergy of the archdeaconry of Coventry, which was before in the diocese of Lichfield.

A protest was also entered at Gloucester, apparently upon better grounds, against the dioceses of Gloucester and Bristol, which before their union returned two proctors severally, being now allowed but one for each.

In the diocese of Chester similar protests were entered, under peculiar circumstances. A new archdeaconry had been created at Liverpool, and the archbishop's mandate directed the bishop to cite "the clergy of the two archdeaconries of Chester and Liverpool to appear by two proctors." Upon these words three interpretations arose.

1. That they should appear by two proctors *from each archdeaconry*, according to the rule of the province, and the most recent practice of the archdeaconries of Chester and Richmond.

2. That the clergy of the two archdeaconries should meet together and elect two proctors *in common*.

3. That they should elect *one* proctor in each archdeaconry, according to the ancient custom of Richmond and Chester, and the practice still observed in some of the southern dioceses.

The bishop adopted the last interpretation, and pro-

tests were entered to be laid before Convocation at its next assembly.

At these elections another important question was very generally mooted in both provinces. The received opinion is, that none but rectors, vicars, and perpetual curates, are entitled to vote in the election of proctors.²⁵ But it was contended in favour of *stipendiary curates* that by the act 27th Elizabeth, cap. 28, which gave a civil sanction to a subsidy imposed by Convocation, it was to be levied from

“every priest or stipendiary receiving an annual stipend, being no perpetuity of eight pounds or above,” and “hired to serve in any place.” This circumstance would seem to imply that such parties were represented by Convocation, even under its civil aspect; still more, then, ought they to be entitled to vote, if it be looked upon as a spiritual assembly.²⁶

On the other hand, reliance was placed upon the case of Knewstubbs, who in 1586 was unseated by the lower House of Canterbury, partly on account of the votes of curates having been admitted at his election.²⁷ In this case, however, the decision did not turn altogether on the votes of the curates, but also on those of the clergy of Suffolk, who by custom had no right to vote in the archdeaconry of Sudbury.²⁸

It may be here observed that some difference is discernible in the language of the two provinces. The Convocation mandates of both archbishops direct the bishops to cite “the clergy” (in York “the whole

²⁵ Burn's Ecclesiastical Law, *tit. Convocation*.

²⁶ Archdeacon Wilberforce's Charge to the Clergy of the East Riding, 1852.

²⁷ Act. Inf. Dom. in Appx. to Syn. Angl. p. 140. ²⁸ See ch. vii. *infra*.

clergy”), but the Archbishop of Canterbury, in citing his own *diocese*, directs his archdeacons to call

“all and singular the elective rectors and others having and possessing ecclesiastical benefices and promotions within their respective archdeaconries.”

A similar interpretation of the word “clergy” appears in the citation of the Bishop of London ;—

“All and singular the rectors, vicars, and others, as well exempt as not exempt, having and obtaining benefices and ecclesiastical promotions,”

and in Oxford ;—

“all and singular the rectors and vicars whose names are hereunder written.”

In the province of York, however, the term “whole clergy” is repeated in the citations of the archdeacons without any further specification, and there is a mandate of the archbishop in Wilkins (iii. 150), directing the Bishop of Durham (A. D. 1379) to cite

“the prior and chapter, all and singular the abbots and elective priors not having abbots over them (exempt and not exempt), also the deans and provosts of collegiate churches, and the archdeacons, and the whole clergy of the said diocese, being in holy orders, *whether having promotions or not* ; with, moreover, the advocates, proctors, and notaries public, to appear in Convocation at York.”

In the late elections the votes of curates were admitted at Hereford, where they appear to have voted of old time, and in the archdeaconry of the East Riding for the reasons before given.

CHAPTER VII.

OF THE POWERS OF THE LOWER HOUSE.

In matters referred by the President.—Inherent rights.—*Gravamina* and *Reformanda*.—Grand Inquest of the Church.—Powers of Judicature.—Whiston's case.—Legal opinions.—Negative on the upper House.—Prolocutor.—Mistake of Lord Coke.—Prolocutor at York.—Prolocutor's Surrogate.—Proxies.—Dissents.—Sessions.—Recess.—Committees.—Addresses to the Crown.—Censures and other ordinances of Convocation.—Precedents.—Mistaken analogy with the House of Commons.—Intermediate Sessions.—Intercourse between the two Houses.—Free conference.—Controverted elections.—Privileges of Convocation-men.

THE Lower House is to debate, prepare, and return to the Upper, all such matters as may be recommended to their consideration by the archbishop. They have also the following inherent rights:—1. To present their own and the Church's grievances to the Upper House. 2. To offer to their lordships their petitions of any kind. 3. To be with them as a part of the judicature upon persons convened and examined in Convocation. 4. To dissent finally from any matter so as to hinder its passing into a synodical act.¹

1. Under the first of these heads Bishop Gibson includes the representations made by the clergy, from the very earliest accounts of the proceedings in Convocation, by the names of *Gravamina* and *Reformanda*.

“The points of this kind considered and debated in Convocation were either *general*, when the matters to be reformed

¹ Syn. Angl. p. 147.

had relation to the common good of the Church, and equally affecting the bishops and clergy were settled in a synodical way, and addressed and presented in the names of both, which the registers call *Reformanda* or *Convocatione Reformanda*, in Parlamento, &c.; Or else *particular*, when the bishops and clergy had grievances to offer that affected only their own order respectively, and in such cases, though the clergy presented theirs to the upper House for their approbation, and the conveyance of them to the King or Parliament, yet the form ran in their own name only which were properly what we call the *Gravamina* and *Articuli Cleri*. These the clergy in Convocation have an undoubted right to present." (ib. 151.)

2. The *Reformanda* were frequently proposed by the archbishop at the opening of the Convocation, but the clergy have also the right of representing every thing which they conceive to want reformation, and were regularly required to bring in their *Schedule* of abuses for the information of the Synod. To this end proclamation was made in the lower House, that any member who knew of abuses should exhibit them in writing.

"Anno 1586. Session 2. The archbishop gave instruction at a conference with the lower House, to present, if any had ordained or instituted any unworthy persons, or of any breach of the Canons, that it may be reformed.

"Anno 1588. Session 2. Dominus Prolocutor universo Cœtui significavit voluntatem Reverendissimi cæterorumque Prælatorum esse, quod si aliquis hujus Domus noverit quenquam ministrum de quo juste conqueri possit, quod contra leges ecclesiasticas nunc temporis auctoritate legitima receptas et approbatas se gessit et gererit; aut si aliquis noverit quenquam qui Canones in ultima Convocatione approbatas et editas violaverit, eosdem in scriptis denunciarent Reverendissimo Dom. Cant. Arch. cæterisque Dominis Prælati prædictis pro debita correctione et reformatione in ea parte facienda."²

² Act. Inf. Dom. Conv. Syn. Angl. appx. 160.

"The clergy in the lower House (who are supposed to be eye-witnesses of many things that do not ordinarily reach the notice of their Diocesan) have a right either jointly or separately, to lay before their lordships an account of disorderly persons or practices they know."³

And this appears to be an important part of the duty of the lower House, as the *Grand Inquest* of the Church.⁴

3. The ancient privilege of sitting in judicature along with the upper House, was exercised as lately as in the Convocation of 1640 under Archbishop Laud, when the clergy gave their votes in addition to those of the bishops, for the suspension of the Bishop of Gloucester, for refusing to subscribe the Canons.

"Et mox Dom. Prolocutor cum toto cœtu Dom. Inf. revertēbat et nomine suo et totius cœtus prædicti dixit se et totum cœtum domus suæ citra istud scandalum Ecclesiæ huic Anglicanæ et Synodo sacræ per Dom. Episc. Gloucest. illatum tractasse, et vota sua et eorum suspensioni ejusdem Episcopi ab officio et beneficiis præbuisse."

The bishop was accordingly suspended till he should make satisfaction.⁵

But in 1710, when it was proposed to cite Professor Whiston into the court of Convocation, a doubt arose how far that court retained the power of proceeding judicially; such kind of jurisdiction having usually been exercised by the high court of Commission, on the suppression of which it was enacted (17 Car. 2. c. ii.), that no court should be thenceforth erected with like power and jurisdiction. This question was laid before the Queen by an Address of Convocation, and the

³ Syn. Ang.

⁴ See also Acta Conv. Ebor. 2 May, 1571. *ante*,

⁵ Act. Conv. *Syn. Ang.* appx. 53.

Judges with the Attorney and Solicitor General being commanded to give their opinions, the majority pronounced in favour of the jurisdiction of the Court of Convocation. The others, however, were of opinion that under the statutes cited, together with the Bill of Rights (1st William and Mary),

“the Convocation hath not any jurisdiction originally to cite before them any person for heresy, or any other spiritual offence, which according to the laws of the realm may be cited, censured, and punished, in the respective ecclesiastical courts of the archbishops, bishops, and other ordinaries. . . .”

But they conceived that heretical *tenets* and *opinions* may be examined and condemned in Convocation, authorized by royal license, without convening the *authors* or *maintainers* of them.⁶

The latter opinion prevailed at the time, notwithstanding that the Queen incited the Convocation to proceed, and no person has been since cited into the Court of Convocation. Yet the two Houses did then, and have since, examined and condemned heretical *positions* with no further license from the king than was contained in their original writ of assembly.

In such examinations the usual practice is for the Lower House to complain to the Upper, and also to join with them in the decree of Censure.⁷

4. The fourth privilege, that of dissenting from the Upper House so as to hinder the passing of any synodical Act, is reckoned by Bishop Gibson the greatest and most peculiar distinction of the English clergy. It seems not to extend to the power of *initiating* a Canon or Constitu-

⁶ Card Syn. 763.

⁷ See the Judgment in Whiston's Case. Card. Syn. 764.

tion, without the previous direction of the Upper House. The usual course is, when the Lower House have expressed their sense of the necessity, for the bishops to desire them to submit a draft of the desired ordinance. The clergy have thus the opportunity of tendering their judgment before the mind of their superiors is expressed ; a right which was probably accorded to the Priests in all ancient Synods.

The first act of the lower House of the Convocation of Canterbury, when assembled in their proper chamber, is to elect a *Prolocutor*. A *Præsentator* is also chosen, by whom the Prolocutor is presented to the Upper House, to be accepted and confirmed by the archbishop and bishops.

Lord Coke says,

“As there be two houses so there be two Prolocutors, one of the bishops of the higher house *chosen by that house*, another of the lower house, and presented to the bishops for their prolocutor.”⁸

This is one of that learned judge's mistakes. The Speaker of the Upper House is always the archbishop, or his *locum tenens*, and is never chosen by the bishops.⁹

In the Convocation of York the Prolocutor is not appointed as a matter of regular form, but only when a question arises for the clergy to discuss, and when the

⁸ 4 Inst 323.

⁹ In ancient times, indeed, when Convocation formed but one body, the bishops and clergy together sometimes appointed a special prolocutor to answer for the whole. *Anno* 1225. “*Episcopi et ecclesiarum prælati qui personaliter interfuerunt, divertentes seorsum ad colloquendum, cum super rebus propositis diutius deliberassent responsum suum in ore magistri Johannis Bedfordensis Archidiaconi communiter posuerunt.*”—*Paris*, p. 276. *Ap. Hody*, iii. 93.

bishops are not present he may be elected at once without the clergy retiring to their separate apartment.¹⁰

The Prolocutor is to wait upon the Upper House when summoned, and report the pleasure of their lordships to his brethren below. On his death or promotion to a bishoprick the archbishop orders the election of another Prolocutor.

The Prolocutor (like the President) is empowered to substitute a "*surrogate*" in his place. But Gibson contends the deputy must be appointed and admitted by the Upper House, like the prolocutor himself.

The members of both houses of Convocation in either province are allowed to appear and vote by *proxy*. It would seem, however, that the consent of the archbishop is necessary to protect the absentee from the penalties of contumacy. The proxies are properly to be addressed to him, and should request his acceptance of the person substituted. It was ordered by the upper House of Canterbury, *anno* 1584, "That none be hereafter proxy for a dean or archdeacon but one of the lower House,"¹¹ and in York it was resolved by the whole Convocation, 8th Feb, 1626, that no one who is not already a member of the Convocation can be appointed proxy for another.¹²

Every member has also the privilege, as in the House of Lords, of entering his written *Dissent* or Protest upon the Acts of Convocation. These powers doubtless arise from the distinction already noted, that the Lower House (unlike the House of Commons), is a delegation

¹⁰ Act Conv. Ebor., 8th May, 1661. *Ante*.

¹¹ Syn. Angl. 58. It was agreed "that one man might hold four proxies" and no more, 4th. Dec. 1689. *Card. Conf.* 446.

¹² Acta. Conv. Ebor. *Ante*.

from inferior synods and colleges, the members of which are cited and bound under pain of contumacy to appear. In fact it is not the Proctor who appears in Convocation, but the *Clergy by their Proctor*: a distinction which is duly noticed in the *præconization*, or “call of the House.”

Every meeting of either Convocation is styled a *session*, and every interval a *recess*. There may be two sessions in one day. *Committees* can sit to prepare business during the recess, but the Lower House cannot appoint any such committee without the permission of the Upper. The bishops further claim to require the clergy to appoint a joint committee with some of their lordships whenever the Upper House may think fit.¹³

The Lower House of Convocation cannot regularly sit during the recess of the Upper, the two parts properly forming but one Convocation; and though it is usual in the province of Canterbury for the two Houses to debate apart, the bishops claim and have often exercised the power of summoning the clergy to a common deliberation, as at York, and again of remitting them to their proper House.

The Lower House does not *address the Crown* by itself, but joins with the Upper in one address of Convocation. The clergy, however, exercise the privilege of offering amendments on the draft of the bishops, who cannot adopt an address without them. If the clergy wish to originate an address, their course is to represent their desire to the Upper House.

A similar deference is observed by the clergy in proposing a vote of *censure upon any heretical work*,

¹³ Syn. Angl.

and generally in all *ordinances* and *constitutions* which are to pass Convocation.¹⁴

In the Convocations of 1689 and the following years some questions of privilege were debated between the two Houses of Canterbury, which occasioned the following paper to be published by the bishops :—

“The Upper House having observed that the most part of those unhappy differences which have arisen between the bishops and clergy, concerning the methods of proceeding in Convocation, have been occasioned by a wrong notion of the Convocation’s being a parliamentary assembly, and that the forms of sitting and doing business ought to be regulated by those of the parliament, have thought it necessary to cause the records of our Provincial Synods and Convocations to be exactly searched, and an extract to be drawn from thence of the customary methods of their meeting, acting, proroguing, and dissolving, as well before the Act of Submission, 25th Henry VIII., c. 19, as since ; with proper proofs to support the truth of every article ; and having duly considered and examined the same, have thereupon come to the following resolutions :—

1. “It is the opinion of this House that the constitution of our Provincial Synods and Convocations is in many particulars very different from that of the parliament.

2. “That it does not appear to this House, upon the strictest inquiry they can make, that the Convocation or Synod Provincial is any where in our records called by the name of a *parliament spiritual*, nor can we find in those records any ground for any such title.

3. “That both the word of *adjournment* and the thing meant by that word, as distinguished from *prorogation*, are utterly unknown to our records : nor can we find it was ever

¹⁴ These forms are not intended, as has too often been thought, to uphold the distinctions of worldly rank and power, but to secure the inalienable rights of the bishops as judges of doctrine in the last resort. That which no single prelate can attempt without schism is the duty and prerogative of the *collective episcopate* ; and the assembly of the other clergy is not to fetter, but to sustain and enforce, the apostolical authority.

made use of in any royal writs sent to the Convocation, but only in the 19th of King James I. (and then, as we conceive, by the ignorance or inadvertency of the clerk who drew the writ). And in the execution of it made in the other Province, whose acts alone of that year remain to us, the Convocation pursued its own method, and was prorogued by the commissary of the archbishop, as usual, thereupon.

4. "That all continuations of our Convocations, or Synods Provincial, as they are in our records called prorogations, so are they properly such; and the continuance of the business before them from one session to another, depends not upon any imaginary distinction between adjournments and prorogations (which we take to be newly coined to serve a present purpose), but upon the authority and intention of the archbishop, as president of the assembly, to continue both the meetings and the affairs of them, from time to time '*in statu quo nunc sunt.*'

5. "That the queen by her writ does not either assemble, prorogue, or dissolve the Convocation, but direct and require the archbishop so to do.

6. "That the royal writ of prorogation having no words in it that require the archbishop to put an end to the business of the Convocation, but requiring him, on the contrary, to prorogue it '*modo debito,*' i. e., as we conceive, according to the received custom and usage of Convocation, his grace is in full possession of his ancient and undoubted right to continue the business and meeting of the Convocation; as his predecessors have, time immemorial, done.

7. "That the archbishop continuing the Convocation upon the royal writ '*in statu quo nunc est,*' as he does in all his other prorogations, the Convocation must thereby meet under the same right and capacity of going on with the business, as it would have done if the prorogation had been made without any such writ.

"All which being so, it is lastly the opinion of this House,

8. "That it is our duty to support the true and ancient constitution of our ecclesiastical Synods or Convocations, which, however we willingly acknowledge to be subject, both in their assembling and acting, to the royal supremacy (as they always were before the statute 25th Henry VIII. c. 19, and ought to have been, though that statute had never been made), yet we cannot so far consent to alter the nature and condition of them as to deprive them of that ecclesiastical

authority they confessedly had before the making of that statute, and we conceive ought still to enjoy, notwithstanding what has been thereby done to limit or restrain the exercise of it."¹⁵

The Lower House were contending at this time for the right of governing their own proceedings, after the example of the House of Commons. They claimed to appoint committees without leave of the Upper House, and to decline appointing them when requested by their lordships; also, to adjourn their own House without respect to the other, to give leave of absence to their members, and to admit their proxies without reference to the archbishop. That these claims are not sustained by the principles and practice of Convocation, has been clearly shown by Bishop Gibson.¹⁶ Nevertheless the Lower House proceeded to hold their own intermediate sessions during the recess of the Upper, and even passed an order that "the Proctors for the Clergy may make Proxies pursuant to the former practice¹⁷ of this House, though such Proctors have not appeared personally."

Atterbury contends that such intermediate sessions were common before the Reformation, and cites an instance where they were ordered by Archbishop Arundel, in 1406.¹⁸ But the claim advanced by him and others was to sit without, and even in opposition to, the archbishop's order. This was actually put in practice in 1706, upon which the archbishop proceeded against the prolocutor, Dr. Bincks, for contumacy, and he was obliged to make a formal submission.¹⁹

¹⁵ Wake's M.S., Card. Syn. Pref. xvi.

¹⁶ Syn. Angl.

¹⁷ The practice is denied by Gibson, in *Syn. Ang.*

¹⁸ Rights, &c. 492.

¹⁹ Annals, 5th Queen Anne, 1707, p. 486.

During this controversy the bishops offered that "a committee to prepare business," should be authorized to sit during the recess of the Two Houses.

Another point much disputed, was the *mode of intercourse* between the two Houses. The bishops having called upon the clergy to give their reasons in writing they declined, and demanded a "free conference." This term, according to Gibson, is "unknown to the records of Convocation," *i. e.*, apparently, as denoting a conference with *managers* on both sides, and special instructions from either House.²⁰ Yet in 1689 such conferences were granted, and even applied for by the bishops themselves.²¹

Gibson allows that the prolocutor may *petition* for himself and others to be admitted "*ad conferendum cum dominis episcopis in domo suâ sedentibus.*" And with this Atterbury agrees :

"The resolutions of the Lower House were communicated to the Upper by their prolocutor, attended with some of their members, more or less, as the importance of the message seemed to require ; and sometimes the whole House came up with him. And whatever they had to offer in writing, or by word of mouth, they did it always standing, the prelates in the meantime being seated."²²

Controverted elections have been determined, it appears, in both Houses. In the Convocation of 1586 there were two disputed returns from the diocese of Norwich; one was heard and determined by the archbishop in the Upper House, the other by the prolocutor in the Lower. Under Archbishop Laud in 1640, upon a petition against the Return for the diocese of Lincoln, a committee was

²⁰ Syn. Angl., 139.

²¹ Card. Conf., 448.

²² Rights, &c., 491.

appointed by the Lower House, of three deans, three proctors for chapters, and three diocesan proctors, to hear the same. Two days after, the archbishop called the prolocutor to the Upper House, and desired the Lower to examine and determine these questions according to law and the customs of each diocese, after which the petition was proceeded with before the whole House,—“*coram dominis prælatis et clero Dom. Inf. Conv.*” Evidence was taken upon oath,²³ and the House having finally divided on the question, the prolocutor pronounced for the election of the person who had the majority.

A second case was decided in the same Convocation, and in the same way.

Anno 1586, Nov. 9. “*Ortâ quæstione inter venerabilem virum mag. Johannem Dey. legum doct. et quendam Johannem Knewstubbs de eorum electione in procuratorem unius partis Cleri Norwicen, Dom. Prolocutor ad veritatem in hâc parte inquirendam juramento oneravit quosdam venerabiles viros,*” etc.

The evidence was, that the clergy of the archdeaconries of Suffolk and Sudbury chose by turns; that the present was the turn of Sudbury, and the clergy of Suffolk were not cited; nevertheless some of them came, together with curates, “whom they took to have no voices there.” Knewstubbs was returned on the poll, by a majority of eight, but, on a scrutiny, it appeared he had thirteen curates and twenty-seven Suffolk men on his side.

²³ To enable the prolocutor to administer this oath, he was put into the archbishop's commission to prorogue, and hence arose the precedent which was afterwards so much relied upon in the lower House, of an adjournment *quoad hanc domum*, he being in fact at that moment acting not as prolocutor, but as commissioner for the archbishop.—*Syn. Angl.*, Appx. 244.



Nov. 11. Mag. D. Dey petiit se admitti et recipi in procuratorem cleri archidiaconatus Sudbury . . . et quia constat ex depositionibus magistrum Knewstubbis fuisse superiorem . . . tantum per curatos et alios qui, secundum consuetudinem electionis infra Archidiaconatus Suffolk et Sudbury, in hâc electione nullam habuere vocem, et eis demptis compertum est mag. Dey fuisse superiorem, igitur Dom. Prolocutor decrevit dictum magistrum Doctorem Dey recipiendum fore in procuratorem ejusdem cleri, et in cœtum hujus Domus eumque sic recepit.

Deinde Dominus Prolocutor certior factus de voluntate Reverendissimi Patris (per magistrum Thomam Redman ejus Registrarium) quoad controversiam super electione clericorum Diœceseos Norvicensis, viz. quod idem Revmus Pater tulit sententiam suam pro parte magistri West contra magistrum Thorowgood, intimavit hæc omnibus præsentibus et monuit eos ad recipiendum eundem mag. West in cœtum hujus Domus.²⁴

Anno. 1689, an archdeacon of Lincoln, who had been suspended by the Court of Arches, and appealed, petitioned against the new archdeacon appointed by the bishop in his place. The petition was heard and dismissed by the Upper House.²⁵

From the nature of these instances it may perhaps be inferred, that when the petition impugns the proceeding of a bishop, it is to be heard in the Upper House, and in the Lower when the question is of the rights and customs of the clergy.²⁶

²⁴ Syn. Angl., appx. Art. Inf. Dom. Conv., 1586.

²⁵ Syn. Angl. 256, 257.

²⁶ Wilkins has published from a M.S. in Sir Simon D'Ewe's library, under date A.D. 1610, a document entitled "An Act for the better furnishing the Court of Convocation with members fit for so high and necessary an Assembly." It provides that no person shall be elected, or have any voice in the election of proctor, who is not *resident* upon his cure. But no such Act appears to have passed either in Convocation or Parliament, nor is the language such as is usual in legislative enactments.

The members of the Convocation, or, as they used to be called, "the Convocation men," are, by 8 Henry VI. c. i. entitled to the *privileges of Parliament*, in coming, tarrying, and returning. These have been enforced by the House of Lords, on their petition.²⁷ At other times the archbishops have applied to the King, or issued their own protections.²⁸

The Proctors of the clergy are also, as members of Parliament formerly used to be, entitled to their *feoda* or *wages*, to be levied by rate upon their constituents, an order for which was often passed in Convocation.²⁹

²⁷ See Gibson's Codex., Tit. xl. c. 2, and Journals of the House of Lords, 29th April, 1628.

²⁸ Syn. Angl. 74, Pearce, 49, 51; Acta Conv. Ebor. 27th Jan., 1661.

²⁹ Acta Conv. Ebor. *Ante*.

CHAPTER VIII.

OF THE ROYAL LICENSE TO TREAT.

Act of Submission.—Recent Discussion in Convocation.—Opinion of the Queen's Advocate.—Address of the Lower House.—Archbishop's prorogation.—Rights of Convocation.—Voice of the Bishops.—Royal Writ defeated.—Review of the law and practice.—Henry VIII.—Edward VI.—Elizabeth.—License to treat first issued by James I.—Limited to treating of Canons.—Charles I. and II.—William III.—Queen Anne.—George I.—Subsequent proceedings.—Business requiring no License.—Opinion of Wake.

THE Act of submission, so often referred to,¹ contains the following enactment:—

“Be it enacted by the authority of this present parliament, according to the said submission and petition of the said clergy, that they ne any of them from henceforth shall presume to attempt, alledge, claim, or put in ure, any constitutions or ordinances, provincial or synodal, or any other canons; nor shall enact, promulge, or execute any such canons, constitutions, or ordinances provincial, by whatsoever name or names they may be called, in their Convocations in time coming (which always shall be assembled by authority of the King's Writ), unless the same clergy may have the King's most royal assent and license to make, promulge, and execute such canons, constitutions, and ordinances, provincial or synodal, upon pain of every one of the said clergy doing contrary to this act, and being thereof convict, to suffer imprisonment and make fine at the king's will.”

This enactment has lately received a peculiar construction in the Convocation of Canterbury. At its

¹ 25th Henry VIII. c. xix.

assembling on the 4th February, 1852, several petitions were presented to both Houses, praying them

“to take such steps as should appear to them most effectual, to procure from the Crown the necessary license for the performance of their constitutional functions.”

The Bishop of Oxford, in the Upper House, declared his intention of moving that the House should consider the prayer of these petitions. Upon which the Queen’s advocate (Sir John Dodson) is reported to have said that “he felt it his duty, *as legal adviser to the archbishop*, to declare that such a proceeding was without precedent; that for 135 years the Crown had called Convocation to meet merely as a form, and *had not permitted it to act.*” The learned advocate is further reported to have cited the statute of 25th Henry VIII. as “forbidding Convocation to do *any business whatsoever* without the express permission of the Crown.”

To this exposition of the law the Bishop of Exeter demurred, conceiving that the prohibition in the statute was directed, not against doing any business whatever without the royal license, but specifically against *making canons*. The bishop recognized “the right of the *archbishop* to prorogue the Convocation at pleasure—to stop him if he thought fit while he was speaking—but he objected to his being advised to do so on the ground of precedent; and cited the declaration of King Charles I., prefixed to the xxxix. Articles, as “a solemn promise, that the sovereign would do, as often as Convocation should ask him, that which it was now the prayer of all these petitions they should beseech her Majesty to do.”

The Bishop of Oxford then moved that a humble address should be presented to her Majesty, praying her royal license for the Convocation to consult to-

gether respecting the fittest provisions to be introduced into a new *Clergy Discipline Bill*, of which notice had been given in parliament. After a discussion, in which it appeared that four of the bishops present were in favour of the motion and three opposed to it, the archbishop intimated his intention of proroguing the Convocation to the 19th August, before which day it was expected her Majesty would issue writs for the prorogation or dissolution both of Parliament and Convocation.

The prolocutor having been summoned for this purpose, appeared, and stated that he was charged with an address to their lordships from the Lower House. The Queen's advocate advised that when summoned for prorogation the Lower House could not offer any address, upon which they retired while this question was debated. In the debate it is reported that the Bishop of Exeter urged the archbishop not to reject the address, "by the exercise of a power which did indeed undoubtedly belong to his high office." Ultimately the address of the Lower House was received. It stated that numerous petitions from many dioceses had been presented in that House similar to those presented to the Upper, and called the attention of their lordships to the reasonableness of their prayer.

The archbishop then, without consulting the bishops, or returning any answer to the prolocutor and lower House, prorogued the Convocation by the following schedule, signed by himself and read aloud by the registrar :—

"We JOHN BIRD, by Divine Providence Archbishop of Canterbury, Primate of all England and Metropolitan, President of the present Provincial Synod or Convocation of the

kinds,) before at the seventh session (Dec. 9th,) it was resolved by the lower House

“to associate Mr. Prolocutor to my lord of Canterbury, to know a determinate answer what indemnity and immunity this House shall have to treat of matters of religion in *cases forbidden by the statutes of this realm to treat in.*”

Their petition as given out of Cranmer's papers by Bishop Stillington, after reciting the Act of Submission, proceeds thus :—

“The said clergy being presently assembled in Convocation, by authority of the king's writ, do desire that the king's Majesty's license in writing may be for them obtained and granted, according to the effect of the said statute, authorizing them to attempt, treat, and commune of *such matters*, and therein freely to give their consents, which otherwise they may not do upon pain of peril promised.”

The clergy would certainly here appear to be fully alive to the peril of the statute, yet, nevertheless, they had an eighth session, without any such license, and subscribed a *proposition*, that the canons forbidding matrimony on account of any vow of priesthood, chastity, or widowhood, should be abolished.⁵

Atterbury is of opinion that the above petition is only a draft, which never passed the Lower House, and that their resolution of December 9th, referred to the statute of the *Six Articles*, and not to that of Submission. The prohibition in the latter he considers to be limited to the *promulgation* of a canon, and not at all to affect the *treating* or *debating*, even though in view to a canon.⁶ However that may be, the acts of this Convocation

⁵ Card. Syn. 423-4.

⁶ Rights, &c., p. 439-449.

are undeniable evidence that the royal license was not requisite for every kind of business, and particularly not for Convocation to make application to the Crown.

The Convocation which first assembled after the death of king Edward, by virtue of a writ directed by the queen to the Archbishop of Canterbury, *more solito*, condemned the catechism of the preceding Synod, subscribed articles, and held a disputation against Philpot and others, without any mention of a license from the Crown.⁷

No such license appears in either of the two Convocations of the next year, 1554, one of which received the process at Oxford against Cranmer, and the other petitioned the Crown for the reversal of the Reformation, and among other particulars for the repeal of the Act of Submission.⁸

In the reign of Queen Elizabeth, when the statute of Submission was revived, no mention of a license to proceed to business occurs in the "*Forma Convocationis Celebrandæ*," compiled by Archbishop Parker, nor is such a license referred to throughout the Acts of his Convocation of 1562, to which

"the Reformed Church of England is indebted for its existence and permanency, having derived from it, together with many important decisions on points of discipline and government, its Thirty-nine Articles of Religion, its Second Book of Homilies, and Dean Nowell's Catechism for the use of Schools."⁹

In the Convocation of 1597, *canons* were passed and ratified by letters patent from the queen, which were produced by the archbishop at the 23rd session, without any mention of previous license to *treat*.¹⁰ The title of these Canons is,

⁷ Card. Syn. 425.

⁸ Ib. 436.

⁹ Ib. 495.

¹⁰ Ib. 580.

appointed to confer with the Speaker of the House of Commons, upon complaint made in that house against the clergy, and the Speaker having refused to receive them, the Bishop of London explained the whole matter in the House of Lords. A petition also was presented in the Lower House of Convocation for a reform of the liturgy, upon which the bishops admonished the petitioners to obey the existing liturgy *established by royal authority*.¹⁶ On the 23rd a controversy arose in the Convocation of Canterbury about the use of the cross in baptism. A complaint was subsequently made, and an apology received, for a breach of privilege in serving the prolocutor with a subpœna.¹⁷ None of these matters received or required any license to debate.

The practice thus established continued in the subsequent reigns. A license "*canones ecclesiasticos componendi*," was granted to the Convocation of Canterbury (1605), when the canons called Bishop Overall's Book were approved by both Houses, but rejected by the king.¹⁸ The next year, orders about the proctors' wages, and a petition from the lower House against prohibitions, were passed without any license. So in 1609, the two Houses conferred upon the value of benefices and pluralities, and the business of Croshaw's convention, confession, and retractation, without any license from the Crown.

In 1640, when canons were again to be treated of, the king's license for that purpose was read at the second session, and another to renew the same at the

¹⁶ Probably referring to the "explanations" of King James, whose authority was worse than doubtful.

¹⁷ Card. Syn. 586.

¹⁸ Ib. 587.

tenth. At the eleventh session (parliament having been dissolved), Sir Henry Vane was introduced with a message from the king, that Convocation might nevertheless proceed with the Canons. Another writ was read from the king on the 13th, and another on the 17th: the latter being to authorise the making of certain canons, or ordinances respecting the collection of the benevolence granted by Convocation; a measure rendered necessary by the dissolution of parliament. Throughout, the royal license was required only for the framing of formal synodical acts having the *legislative* force of canons.

The Convocation of 1661 had seven sessions of both Houses; appointed committees, and treated upon the form of prayer for the 29th May, and the form for the baptism of adults, before the king's license under the great seal was received (June 7, renewed the 19th) to

“propose, confer, treat, debate, consider, consult, and agree upon the exposition or alteration of any canon or canons now in force, and of and upon any such other new canons, orders, ordinances, and constitutions, as they shall think necessary, fit, and convenient, etc.”¹⁹

The Convocation of 1689 having met and gone through the usual forms, the Earl of Nottingham appeared at the sixth session²⁰ with the king's license under the great seal, “to meet from time to time, and to prepare such alterations of the Liturgy and Canons, and such proposals for the reformation of ecclesiastical courts, and to consider of such other matters as in your judgments may most conduce to the ends above mentioned.”²¹

¹⁹ Card. Syn. 642, 689.

²⁰ Dec. 4.

²¹ Card. Syn. 694 and Conf. 440.

This commission, which contains some remarkable clauses, was accompanied by a mandate or message from the king, expressing his desire that the things to be proposed may be calmly and impartially considered, and assuring the Convocation "that he will offer nothing to you but what shall be for the honour, peace, and advantage both of the Protestant religion in general and particularly of the Church of England."

The royal message called forth an address in reply on the form of which the two Houses were for some time divided; and besides this debate, both Houses transacted business which was *not* included in the king's message.²²

So again in 1700, the two Houses passed resolutions condemnatory of Toland's book; and when the lower House pressed for a judicial condemnation, the bishops answered (under legal advice) that without a license from the king, *which they had not yet received*, there was no authority to censure judicially such books; but, on the contrary, we are advised that by so doing, both Houses of Convocation may incur the penalties of the statute of 25th Henry VIII.²³ Whatever be the authority on which this advice was given, the answer undoubtedly implies that in *some* matters Convocation might act without a previous license from the Crown.

In 1702, and again in 1705, the Lower House offered long representations to the Upper of divers grievances, but no license from the Crown is alluded to.

In 1710 Queen Anne issued the usual commission under the great seal, empowering the Convocation to treat of *canons*, &c. This license was dated the 23rd

²² Card. Syn. 698-90.

²³ Ibid. 707.

January, and on the 29th a Paper was transmitted under the sign manual, containing "heads of such matters as we think proper for the consideration of the said Convocation, all which points, &c., we do hereby direct to be debated," &c. Nevertheless this did not preclude the Lower House from making a report to the Upper about public charities and clerical libraries, *not* being among the points recommended from the Crown.²⁴

A question of considerable importance arose in this Convocation, with respect to its power of condemning heresy. Particular reference was herein had to the statute 25th Henry VIII. c. 25. Yet the matter was debated for some time without reference to any royal license to treat. Subsequently, when the Convocation had itself addressed the Crown for legal advice, the queen declared that such an exercise of "the power which belongs to Convocation was one of the chief ends proposed to ourself in assembling them, as appears from the whole tenor of our letter of Dec. 12, and from the first head of business," &c. Certainly the royal *intention*, which is only generally (if at all) to be gathered from the papers referred to, cannot be construed into a "license to treat" upon the condemnation of a particular writing.

In 1712, the Archbishop of Canterbury, without license from the Crown, offered to the consideration of his Convocation a declaration against the iteration of baptism, which was agreed to in the Upper House, and declined for reasons assigned by the Lower.²⁵

The Convocation of the next year, after presenting a joint address to the Queen, received a commission to

²⁴ Card. Syn. 731.

²⁵ *Ib.* 771.

treat &c, and "heads" were accordingly transmitted on the 17th March, 1713. It appears, however, from the speech of the Bishop of London, that it was in contemplation to pass *canons* upon those heads when they should have been finished.²⁶

No royal license appears to have been issued for the proceedings which occupied the Convocation of 1714, when a censure was passed upon Dr. Samuel Clarke.

The first Convocation under George I. (A. D. 1715), after having addressed the Crown, received the royal license to treat, and "a king's letter about business," directing as usual certain points to be debated, considered, and treated. But before these were all gone through, the Lower House brought up their complaint of Bishop Hoadly's sermon, in support of which they offered a long representation to the Upper.

Since that time no royal license to treat has issued to either Convocation, but in the Province of Canterbury the Lower House have elected their prolocutor, who has been confirmed with the usual ceremonies in the Upper, and the two Houses have regularly concurred in a loyal address to the throne, the proposing, amending, passing, and presenting of which necessarily occasioned business to be transacted in both Houses. There was also a controverted election in the Diocese of Exeter in 1820.

From this review it appears,

I. That from the passing of the Act of Submission to the reign of James I., no Royal license was issued to treat upon any matter whatever, other than what is contained in the Writ of *convocari faciatis*.

²⁶ Wake MSS., ap. Card. Syn. 777.

II. That from the reign of James I. to the Revolution, a license to treat was used as introduced by Lord Coke, but limited to cases when *canons* were in view, and grounded *not* upon the Statute of Submission, but upon the royal prerogative in causes Ecclesiastical.

III. That after the Revolution of 1688, it became the usual practice to accompany this license with a "letter about business : " but

IV. That at no time were the Convocations restrained from *all* business except such as was prescribed by the Crown. For no royal license was ever had, or requisite, for any of the following matters, some of which have been transacted in every Convocation since the Reformation.

1. Election, presentation, and confirmation, of the Prolocutor.

2. Addresses of both Houses to the Crown.

3. Presentments of the Lower House to the Upper.

4. Mutual conferences between the two Houses, with appointment of committees.

5. Complaints and resolutions condemnatory of heretical writings.

6. Determination of disputed Elections, Proxies, etc.

7. Presentation of petitions to both Houses, and consideration of their prayer.

To which it may be added, that the course proposed to be taken on the 4th February, 1852—that the Convocation itself should address the Crown for a license—was not only warranted by many direct precedents, but is especially pointed out as the proper course, in the declaration of King Charles I. prefixed to the xxxix Articles. The objections by which that proposal was encountered have grown up since the law and practice

of Convocation ceased to be familiar. They exceed the rights claimed for the Crown in 1688, even more than these last exceeded the prerogative asserted by the Tudors.

Wake himself, the never-hesitating champion of royal prerogative, expressly distinguishes between debating or consulting of other matters, and conferring to make provincial *canons*, or constitutions. He declares his opinion in behalf of the Convocation: "that notwithstanding this statute (25th Henry VIII), the Clergy may still do the one, though they are forbidden to attempt the other."²⁶

He further acknowledges that *subsidies* required no license, unless they were to be enforced by spiritual censure, (as in 1640) and proceeds:—

"If the Clergy had (before the submission) any addresses to make, or any petitions to present, to the Bishops, the Parliament, or the Prince, they had, and still have, a full liberty to make and to offer them; and as before if they saw it needful to proceed to any proper synodical debates, in order to the regulating of anything that might be wanting in the doctrine or discipline of the Church, they had an undoubted right to draw up their requests to their Archbishops, and Bishops, for leave or directions to proceed upon it, so I do humbly conceive that they may do the same now; only with this difference, that their petition must now run, not for *their* leave or consent (who are no longer able to grant them any) but that they would obtain the *Prince's* assent and license, who alone, since this Act, can authorize them in this particular."²⁷

Again,

"Here, therefore, it is, that I account a license to be necessary. Not to enable them to consider of their civil grievances, or to petition against them; Not to *make any address to the*

²⁶ Authority, &c., p. 110.

²⁷ State &c., p. 536.

Prince, whether of request for his future protection, or of thanks for his past favours; Not to grant subsidies (had they still reserved to themselves the great right and privilege of granting them); No, nor yet to *deliberate* of Ecclesiastical matters, provided it be only in order to petition their Prelates and Primate, and by them their Prince, for a license to proceed further, according to the Statute 25 H. viii. c. 19. But to CONFER TO MAKE CANONS, to *attempt* any such thing, to *alledge* or claim any such right or power as still remaining to them; to put any such power in *ure*, and thereby to *make*, *promulge*, or *execute*, any CANONS by their own authority; This, and every part of this, I conceive is now forbidden; nor may the Clergy without the royal license presume to enter upon any *such* debates."²⁸

²⁸ State, &c., p. 536.

CHAPTER IX.

OF THE FORMS OF PROCEEDING.

Legal and Religious.—Royal Writ.—Vacancy of the Archbishoprics.—Convocation Mandate.—Citation of Bishops.—Deans and Chapters.—Archdeacons and Clergy.—Returns.—Time and Place of Assembly.—Prorogations.—Opening of the Synod.—Ceremonial in St. Paul's.—Election of Prolocutor.—Jerusalem Chamber.—Westminster Protest.—Address to the Crown.—Archbishop's Prorogation.—Royal Writ of Prorogation.—Subsequent Continuations.—Convocation of York.—Durham Protest.—Business.—Curious Irregularity.—Rights of Petition.

To the account which has been given of the origin and constitution of the two Provincial Convocations, may now be subjoined a statement of the Forms and Ceremonial observed in their proceedings. These are partly legal and partly religious; for the Church regards in her Councils not only the ordinary benefits of corporate assemblies, but the Divine institution for diffusing of the HOLY GHOST through the mystical Body of CHRIST.

The first preliminary, rendered indispensable in this country by the Act of Submission, is the Royal Writ under the great seal, which is now regularly issued to both provinces at the same time with the writs for Parliament, without requiring an application on the part of the archbishop. This writ is conceived in the following terms :—

“ VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To the Most Reverend Father in God, our right trusty and well beloved Councillor, William, by the same Grace Archbishop of Canterbury, Primate of all England, and Metropolitan, Greeting, By reason of certain difficult and urgent affairs concerning Us, the security and defence of the Church of England, and the peace and tranquillity, public good, and defence of our kingdom and our subjects of the same, We command you, entreating you by the faith and love which you owe to Us, that, having in due manner considered and weighed the premises, you call together with all convenient speed in lawful manner all and singular the Bishops of your Province, and Deans of your Cathedral Churches; and also the Archdeacons, Chapters and Colleges, and the whole Clergy of every Diocese of the same Province, to appear before you in the Cathedral Church of Saint Paul, London, on Wednesday, the twenty-second day of September next ensuing, or elsewhere, as it shall seem most expedient, to treat of, agree to, and conclude upon the premises and other things which to them shall then at the same place be more clearly explained on our behalf. And this as you love Us, the state of our kingdom, and honour and good of our aforesaid Church, by no means omit. Witness ourself at Westminster, the twenty-third day of July, in the eleventh year of our reign.”¹

* The writ to the Archbishop of York is exactly in the same terms. There are writers who still imagine the Convocation to be in some way concerned with the *præmunientes* clause, notwithstanding the demolition of Atterbury's argument to that effect by Kennet and Wake. A copy is therefore added of the writ of summons in which this clause occurs; it goes to *every bishop* at the calling of a new parliament, and, as will be seen, refers exclusively to that assembly. The clause has now no operation whatever.

“VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the faith, To the Most Reverend Father in God and our right Trusty Counsellor *Thomas* Archbishop of Canterbury, Primate of all England and Metropolitan, greeting. Whereas by the advice and assent of our Council, for certain arduous and urgent affairs concerning us the state and defence of our said United Kingdom and the Church, We have ordered a certain Parliament to be holden at our city of Westminster on the day of next ensuing, and there to treat and have conference with the Prelates Great Men and Peers of the Realm; We strictly enjoining command you upon the faith and love by which

If the archiepiscopal see be vacant the Writ issues to the dean and chapter as keepers of the spiritualities in the same terms.

On the receipt of the Royal Writ the Archbishop of Canterbury (or the dean and chapter) issues a *mandate* to the Bishop of London as dean, or in the vacancy of that see to the Bishop of Winchester as subdean,²

you are bound to us, that the weightiness of the said affairs and imminent perils considered (waving all excuses) you be at the said day and place personally present with us, and with the said Prelates Great men and Peers, to treat and give your Counsel upon the affairs aforesaid. And this as you regard us and our Honour and the safety and defence of the said United Kingdome and Church, and dispatch of the said affairs, in no wise do you omit. Forewarning the Dean and Chapter of your Church of Canterbury and the Archdeacons and all the Clergy of the Diocese, that they the said Dean and Archdeacons in their proper persons, and the said Chapter by one, and the said Clergy by two meet Proctors, severally having full and sufficient authority from them the said Chapter and Clergy, at the said day and place be personally present to consent to those things which then and there by the Common Council of our said United Kingdom (by the favor of the Divine Clemency) shall happen to be ordained.

"Witness ourself at Westminster the day of
in the year of our reign.

ROMILLY. ABBOTT."

"To the Most Reverend Father in God and our Right Trusty Counsellor Archbishop of Canterbury Primate of all England and Metropolitan."

"A writ of summons to Parliament to be holden the day of
 next.

ROMILLY. ABBOTT."

² So it is commonly stated, but this bishop was anciently described as the *Cantor* or *Precentor* of the Province. Anno 1175. "Ad dextram primatis sedit episcopus Lond. quia inter episcopos Cant. Ecclesiæ suffraganeos decanatus præminet dignitate. Ad sinistram sedit episcopus Winton. quia *Cantoris* officio præcellit. Cæteri tàm episcopi quàm abbates secundum primogenita consecrationis suæ con-sederunt."—*Bromton Ap. Hody*, iii. 69.

or if that see should be also vacant, to the Bishop of Lincoln as chancellor, of the province. The bishop thereupon issues a *citation* to all the bishops of the province requiring them to attend in person, and also to cite their inferior clergy and prelates. In the province of York the mandate is directed by the archbishop (or dean or chapter), to the several suffragan bishops who are thereby cited to attend.

Mandate of the Archbishop of Canterbury to the Dean of the Province.

“WILLIAM, by Divine Providence, Archbishop of Canterbury, Primate of all England, and Metropolitan, To our Brother the Right Reverend Father in God, Charles James, by the same Providence Lord Bishop of London, health and brotherly love in the Lord. We have lately humbly received with that reverence, obedience, and submission which became Us, the Writ of Her Most Gracious Majesty our Sovereign Lady, Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, inscribed and directed to us, in the words following, to wit: ‘Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To the Most Reverend Father in God, our right trusty and well beloved Councillor, William, by the same Grace Archbishop of Canterbury, Primate of all England, and Metropolitan, Greeting. By reason of certain difficult and urgent affairs concerning Us, the security and defence of the Church of England, and the peace and tranquillity, public good and defence of our kingdom and our subjects of the same, We command you, entreating you by the faith and love which you owe Us, that having in due manner considered and weighed the premises you call together with all convenient speed, in lawful manner, all and singular the Bishops of your province and Deans of your Cathedral Churches, and also the Archdeacons, Chapters, and Colleges, and the whole Clergy of every Diocese of the same Province, to appear before you in the Cathedral Church of Saint Paul, London, on Wednesday, the twenty-second day of September

next ensuing, or elsewhere, as it shall seem most expedient, to treat of, agree to, and conclude upon the premises and other things which to them shall then at the same place be more clearly explained on our behalf. And this as you love Us, the state of our kingdom, and honor and good of our aforesaid Church by no means omit. Witness ourself at Westminster, the twenty-third day of July, in the eleventh year of our reign.' Wherefore We recommend to, and require you, our said Brother, that you peremptorily cite all and singular the Bishops Suffragans of our Cathedral Church of Christ, Canterbury, constituted within the Province of Canterbury, and will that by them you peremptorily cite and monish the Deans of the Cathedral and Collegiate Churches and their several Chapters, and the Archdeacons and other Dignitaries of Churches exempt and not exempt personally, and each Chapter of the Cathedral and Collegiate Churches by one, and the Clergy of every Diocese within our Province aforesaid by two, sufficient proctors to appear before Us, or our substitute or Commissary in this behalf, if we should happen to be hindered in the Chapter House of the Cathedral Church of Saint Paul, London, on Wednesday, the twenty-second day of September next ensuing the date of these presents, with continuation and prorogation of days then following and places, if it be necessary to be done herein, to treat upon arduous and weighty affairs which shall concern the state and welfare, public good and defence of this kingdom, and the subjects thereof, to be then and there seriously laid before them, and to give them their good counsel and assistance in the said affairs, and to consent to such things as shall happen to be wholesomely ordered and appointed by their common advisement for the honor of God and the good of the Church. And further, to do and receive what shall be lawful, and the nature and quality of this affair demand and require of them, but that you, our Right Reverend Brother, cause the said Mandate to be executed in all things as far as it concerns you and the Chapter of your said Cathedral Church, and the City and Diocese of London, and that you obey the same in all things with effect. Moreover, We do cite you by these presents, to appear on the said day and place before Us, or one or more of our Substitutes or Commissaries in this behalf, together with others our Right Reverend Brethren, Bishops of our said Province of Canterbury, to treat upon the said affairs before-mentioned,

and also to do and receive what shall be lawful and shall concern your Lordship as above is contained. We will and require you, moreover, to intimate and publish, or cause to be intimated and published, to the Bishops, Deans, Archdeacons, and others the before-mentioned Dignitaries of the Churches, that you will not, and do not intend to excuse them at this time from appearing in this affair of Convocation and Congregation, to be held, by God's help, the day and place aforesaid, unless for some necessary cause to be then and there alleged and propounded, and by Us to be approved, but will canonically punish the contumacies of such as shall be absent: And furthermore, We do enjoin and require you as before, that you will enjoin, or cause to be enjoined, all and singular the Bishops Suffragans of our Province of Canterbury, that each of them do, under their seal, of what they shall do as far as it concerns them, from the day of the reception of these presents certify Us, or one or more of our Substitutes or Commissaries, the said day and place by their Letters Patent, containing the names and surnames of all and singular the persons by them respectively cited; and what you shall do in the premises, you shall take care duly to certify Us or our Substitute or Commissary on the same day and place by your Letters Patent, containing the tenor of these presents, together with the names of all and singular the Bishops of our province of Canterbury, the Deans, Archdeacons, and other the Dignitaries of your Diocese in a separate Schedule, to be annexed to your Return. In witness whereof We have caused our Archiepiscopal Seal to be hereunto affixed. Given at Lambeth Palace, the 13th day of August, in the year of our Lord, 1847, and in the nineteenth year of our translation.

Citation of the Provincial Dean to the Bishops of the Province of Canterbury.

“CHARLES JAMES, by Divine Permission, Bishop of London, To our Brother the Right Reverend Father in God [Charles Richard] by the same Permission, [Winchester], health and brotherly love in the Lord. By virtue and authority of certain letters of the Most Reverend Father in God, John Bird, by Divine Providence Archbishop of Can-

terbury, Primate and Metropolitan of all England, lately received by us with all due reverence, of the tenor following, to wit:—

[Here follows the Archbishop's Mandate verbatim.]

We, by the tenor of these presents, cite and peremptorily admonish you, the said Right Reverend Father, and by entreating do require you peremptorily to cite and admonish, or cause to be cited and admonished, the Dean and Chapter and the Archdeacons of your Cathedral Church, and other the dignitaries of Churches exempt and not exempt, and the Clergy of your Diocese aforesaid, that you and they appear before the said Most Reverend Father, or his Substitute or Commissary (if he should happen to be hindered), in the Chapter House of the Cathedral Church of Saint Paul, London, on Wednesday, the seventeenth day of May instant, with continuation and prorogation of days then next following, and places if it be necessary to be done herein, to treat according to the force, form, and effect above written, and tenor of said letters of the said Most Reverend Father, and to give your and their good counsel and assistance upon the said affairs, and further to do and receive what the said letters of the said Most Reverend Father do denote and require. We will and require you moreover that you take care duly to certify the said Most Reverend Father do denote and require. We will and require you moreover that you take care duly to certify the said Most Reverend Father, or his Substitute or Commissary, what you shall do in the premises on the said day and place, by your letters patent and sealed with your seal, containing the tenor of these presents, together also with a Schedule thereto annexed containing the names of all and singular the persons cited and admonished by you or your Authority. Dated at London the fifth day of May in the year of our Lord one thousand eight hundred and forty-eight."

Mandate of the Archbishop of York to the Bishops of his Province.

"EDWARD, by Divine Providence, Lord Archbishop of York, Primate of England and Metropolitan, To the Right Reverend Father in God and our well beloved Brother in Christ, Hugh, by Divine Permission, Lord Bishop of Carlisle,

Greeting in the Lord. Whereas we have with due reverence received her Majesty's Writ for summoning the Convocation of the Prelates and Clergy of the whole Province of York, in the following words :—

[Here follows the Queen's Writ verbatim.]

but which has since been prorogued by the Queen in Council to and until Wednesday, the thirteenth day of October next ensuing. Wherefore we peremptorily cite you, and by you the Dean and Chapter of Carlisle, and your Archdeacon, and the whole Clergy of your Archdeaconry of Carlisle aforesaid, and all and singular others who anciently used to be called, cited, and admonished, and we will and command that they be so cited by you, and that you appear personally or by your lawful Proctor: that the said Dean appear personally or by his lawful Proctor: that the said Archdeacon appear personally or by his lawful Proctor: that the said Chapter appear by one Proctor, rightly elected and lawfully constituted; and that the whole Clergy of the said Archdeaconry of Carlisle appear by two Proctors, rightly elected and lawfully constituted, before us or our lawful Representative, in our Chapter House within the Cathedral and Metropolitan Church of Saint Peter in York, on Wednesday, the thirteenth day of October next ensuing, betwixt the hours of eight and twelve in the forenoon of the same day, with continuation and prorogation of days and places (as occasion shall require), to treat upon such causes as in her said Majesty's Writ are contained, expressed, and specified, together with us or our lawful Representative, and others the Prelates and Clergy of our Province of York, and to give your and their wholesome advice of and concerning the premises, and to consent to those things which shall there seem expedient, or dissent to such things as shall seem inconvenient: And further to do and receive what the nature and quality of this Provincial Convocation shall demand and require. And we also intimate to you, and by you to the said Dean and Chapter, Archdeacon, and the whole Clergy aforesaid, to whom we would have it intimated by these presents, that neither you nor they are intended to be excused from your and their appearances in the said Convocation in manner aforesaid; and what you shall do in the premises you shall duly certify us or our lawful Representative on the said day, hours, and place, together with these presents. Given at York, under the seal of our Consistory

Court there, this third day of September, in the year of our Lord one thousand eight hundred and forty-seven, and in the fortieth year of our translation.

JOSEPH BUCKLE,

[Seal of the Consistory
of York.]

Deputy Registrar."

The several bishops then proceed to cite their deans and chapters, with the archdeacons, and by them the whole clergy, of their respective dioceses, the archbishops doing the same in their own dioceses. These forms are as follows :—

Citation of the Archbishop of Canterbury to the Dean and Chapter of Canterbury.

"WILLIAM, by Divine Providence, Archbishop of Canterbury, Primate of all England, and Metropolitan. To our beloved in Christ, the Dean and Chapter of our Cathedral and Metropolitan Church of Christ, Canterbury, Health, Grace, and Blessing: By virtue and authority of a certain Writ and Mandate of Her Most Sacred Majesty our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, bearing date the twenty-third day of July, in the eleventh year of her reign, issued and directed to Us, for holding and celebrating a sacred Synod, and general Convocation of the Prelates and Clergy of the whole Province of Canterbury as contained therein, We do peremptorily cite and monish you, the Dean and Chapter aforesaid, that you the Dean personally, and the Chapter by one very fit Proctor, sufficiently and lawfully constituted and appointed, having full power and authority from the said Chapter to appear before Us, or our Substitute or Commissary in this behalf, on Wednesday, the twenty-second day of September next ensuing, in the Chapter House of the Cathedral Church of Saint Paul, London, to treat of, and consent to such things which then and there shall happen by common consult to be ordered for the honour of God, and the benefit and security of the Church of England, the peace and tranquillity, public good, and defence of

this United Kingdom, and to give their good counsel and assistance in this behalf. And further to do and receive as is above expressed ; and what you shall do in its premises, you shall duly certify Us or our Vicar General, on or before the said twenty-second day of September next ensuing, by your Letters Patent authentically sealed containing the tenor of these presents, having a schedule thereunto annexed, also containing the name of the Proctor constituted and appointed by the said Chapter in the manner aforesaid. In witness whereof, We have caused our Archiepiscopal Seal to be hereunto affixed. Given at Lambeth Palace, this thirteenth day of August, in the year of our Lord, 1847, and in the nineteenth year of our translation."

Citation of the Bishop of London to the Dean and Chapter of St. Paul's, London.

"CHARLES JAMES, by Divine Permission, Bishop of London. To our beloved in Christ, the Dean and Chapter of our Cathedral Church of Saint Paul, London, Health, Grace, and Benediction : By virtue and authority of certain Mandatory Letters of the Most Reverend Father in God, John Bird, by Divine Providence Archbishop of Canterbury, Primate of all England, and Metropolitan, bearing date the second day of May instant ; also of a certain Writ or Mandate therein contained of our Most Gracious Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, dated at Westminster, the fifteenth day of April last, and in the eleventh year of our reign ; issued out and directed to Us for holding and celebrating a sacred Synod, and general Convocation of the Prelates and Clergy of the whole Province of Canterbury, We do peremptorily cite and admonish you, the Dean and Chapter aforesaid, that you the Dean personally, and the said Chapter by one sufficient Proctor lawfully and sufficiently empowered by their Chapter, do appear before the said Most Reverend Father, the Archbishop of Canterbury, or his Substitute or Commissary, in the Chapter House of the Cathedral Church of St. Paul, London, on Wednesday, the seventeenth day of May instant. Moreover, We command you as above, that you duly certify

to Us, or to our Vicar General, by your Letters Patent, containing the name of the Procurator chosen and empowered in manner aforesaid by the said Dean and Chapter, on or before the sixteenth day of May instant, and without further delay. Dated at London, the fifth day of May, in the year of our Lord one thousand eight hundred and forty-eight, and in the twentieth year of our translation."

*Citation of the Archbishop of Canterbury to the
Archdeacon of Canterbury.*

"WILLIAM, by Divine Providence Archbishop of Canterbury, Primate of all England and Metropolitan, To our beloved in Christ, The Worshipful James Croft, Clerk, Master of Arts, our Archdeacon of Canterbury, and The Worshipful Benjamin Harrison, Clerk, Master of Arts, our Archdeacon of Maidstone, or to their certain official: Health, grace, and blessing: By virtue and authority of a certain Writ and Mandate of her Most Sacred Majesty, our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, bearing date the twenty-third day of July, in the eleventh year of her reign, issued and directed to Us for holding and celebrating a Sacred Synod and General Convocation of the Prelates and Clergy of the whole Province of Canterbury, as contained therein: We do recommend and require you jointly and severally that you cite and monish all and singular the elective Rectors, and others having and possessing Ecclesiastical Benefices and Promotions within your respective Archdeaconries aforesaid, as well those exempted as not exempted, that you the said Archdeacons personally, and the Clergy of the aforesaid Archdeaconries by two fit Proctors, lawfully and sufficiently authorized, do appear before Us, or our Commissary or Substitute in this behalf, in the Chapter House of the Cathedral Church of Saint Paul, London, on Wednesday the twenty-second day of September next ensuing, with continuation and prorogation of days then next following, and places, if it be necessary to be done therein, to treat of, consent to, and conclude upon certain arduous and weighty affairs concerning the security and defence of the Church of England, and the peace and tranquillity, public good, and

defence of this Kingdom and the Subjects thereof, to be then and there seriously laid before them, and to give them your and their good counsel and assistance in the said affairs : and further, to do, receive, and undergo what the tenor and effect of the said Writ do demand and require of them ; Furthermore, We require you, as above, that you duly certify, without delay, Us, or our Vicar General, the names of all and singular the persons cited and admonished by you in this behalf, and the names of the Proctors appointed for the said Clergy, and also all that you shall do in and about the premises on or before the said twenty-second day of September next, by your Letters Patent, authentically sealed. containing in them the tenor of these presents. In witness whereof, We have caused our Archiepiscopal Seal to be hereunto affixed. Given at Lambeth Palace the thirteenth day of August, in the year of our Lord one thousand eight hundred and forty-seven, and in the nineteenth year of our translation."

Citation of the Archbishop of York to the Archdeacon of Carlisle.

"EDWARD, by Divine Providence Lord Archbishop of York, Primate of England, and Metropolitan, To our well beloved in Christ, the Reverend William Goodenough, Clerk, Master of Arts, Archdeacon of the Archdeaconry of Carlisle, Greeting in the Lord. Whereas We have with due reverence received Her Majesty's Writ for summoning the Convocation of the Prelates and Clergy of the whole Province of York, We therefore, by virtue and force of her said Majesty's Writ, peremptorily cite you, and by you the whole Clergy of your aforesaid Archdeaconry, and all and singular others who anciently used to be called, cited, and admonished. And we will and command that they be so cited by you, and that you appear personally, or by your lawful Proctor, and that the whole Clergy of your said Archdeaconry appear by two Proctors, rightly elected and lawfully constituted before Us, or our lawful Representative, in our Chapter House within the Cathedral and Metropolitan Church of Saint Peter, in York, on Wednesday, the thirteenth day of October next ensuing, betwixt the hours of eight and twelve in the forenoon of the same day, with continuation and prorogation of days

and places (as occasion shall require), to treat upon such causes as in her said Majesty's Writ are contained, expressed, and specified, together with Us, or our lawful Representative, and others the Prelates and Clergy of our Province of York, and to give your and their wholesome advice of and concerning the premises, and to consent to those things which shall there seem expedient, or dissent to such things as shall seem inconvenient, and further, to do and receive what the nature and quality of this Provincial Convocation shall demand and require. And we also intimate to you, and by you to the whole Clergy of your said Archdeaconry to whom We should have it intimated by these presents, that neither you nor they are intended to be excused from your and their appearances in the said Convocation in manner aforesaid; and what you shall do in the premises you shall duly certify Us, or our lawful Representative, on the said day, hours, and places, together with these presents. Given at York, under the seal of our Consistory Court there, this third day of September, in the year of our Lord, one thousand eight hundred and forty-seven, and in the fortieth year of our translation.

JOSEPH BUCKLE.

Deputy Registrar."

[The Archiepiscopal Seal of the
Consistory of York.]

*Citation of the Bishop of London to the Archdeacon of
London.*

"CHARLES JAMES, by Divine Permission, Bishop of London, To our beloved in Christ, the Archdeacon of the Archdeaconry of London, or his Official, Greeting, by virtue and authority of certain Mandatory Letters of the Most Reverend Father in God, John Bird, by Divine Providence, Archbishop of Canterbury, Primate of all England, and Metropolitan, bearing date the second day of May instant; also of a certain Writ or Mandate therein contained of our most gracious Sovereign Lady, Victoria, by the Grace of God of the United

Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, dated at Westminster, the fifteenth day of April last, and in the eleventh year of her reign, issued out and directed to Us for holding and celebrating a Sacred Synod and General Convocation of the Prelates and Clergy of the whole Province of Canterbury, We do peremptorily cite and admonish you the Archdeacon aforesaid, that you cause all and singular the Rectors, Vicars, and others, as well exempt as not exempt, having and obtaining Benefices and Ecclesiastical promotions within the Archdeaconry of London; and also We enjoin and command you and them that you, the Archdeacon personally, and the Clergy of your said Archdeaconry by two sufficient Procurators lawfully and sufficiently empowered, do appear before the said Most Reverend Father the Archbishop of Canterbury, or his substitute or Commissary, in the Chapter House of the Cathedral Church of Saint Paul, London, on Wednesday, the seventeenth day of May instant. Moreover, We command you, as above, that you duly certify to Us, or our Vicar General, by your Letters Patent, containing the tenor of these presents sealed with your seal, the names of all and singular the persons cited or admonished in this behalf; also the names of the Procurators chosen for the Clergy aforesaid, and every thing else you shall do in and about the premises, on or before the sixteenth day of May instant, without further delay. Dated at London, the fifth day of May, in the year of our Lord, one thousand eight hundred and forty-eight, and in the twentieth year of our translation."

Finally, the archdeacons issue their citations to the clergy, except where that office is performed by the bishop himself. This is done after the forms following :—

Archdeaconry of Middlesex.

"JOHN SINCLAIR, Clerk, Master of Arts, Archdeacon of the Archdeaconry of Middlesex, lawfully constituted, To all and singular Clerks and literate Persons whomsoever and wheresoever in and throughout the whole Archdeaconry of Middlesex, Greeting. Whereas we have with all due reverence received Mandatory Letters from the Right Honour-

able and Right Reverend Father in God, Charles James, by Divine Permission, Lord bishop of London, of the following tenor, to wit,

[Here follows the Bishop's Mandate verbatim.]

We therefore, according to the tenor and effect of the said Mandate, charge and firmly enjoin you, that you cite or cause to be cited peremptorily all and singular Rectors, Vicars, and all others as well exempt as not exempt, having and obtaining benefices and ecclesiastical promotions within our Archdeaconry, that they and every of them appear before Us or our Official, or his Surrogate, in the Vestry Room of the Parish Church of Saint Paul, Covent Garden, in the county of Middlesex, on Tuesday, the seventh day of September next ensuing, at two o'clock in the afternoon, then and there to nominate and elect two sufficient Procurators to appear for them on the day and place mentioned in the said Royal Writ, according to the force, form, tenor, and effect thereof, and of the said Mandatory Letters of the said Lord Bishop, to consent to those things which shall then and there happen by God's help to be ordained by their common advisement for the honour of the said kingdom and good of the church. And further to do and receive what shall be just and lawful in the premises. And what you shall do in the premises you shall duly certify to Us, our Official, or some other competent Judge in this behalf, together with these presents. Dated the thirty-first day of August in the year of our Lord one thousand eight hundred and forty-seven.

[Then follow the names of the Clergy cited, with their Parishes.]

Archdeaconry of York.

“STEPHEN CREYKE, Master of Arts, Archdeacon of the Archdeaconry of York otherwise the West Riding, in the Cathedral and Metropolitical Church of Saint Peter of York, lawfully founded; To all and singular Clerks and literate

persons whomsoever and wheresoever, within our whole Archdeaconry aforesaid Greeting: WHEREAS we lately with due reverence have received Letters Mandatory of the Most Reverend Father in GOD, THOMAS, by Divine Providence Lord Archbishop of York, Primate of England and Metropolitan, in these words to wit, 'Thomas by Divine Providence Lord Archbishop of York, Primate of England and Metropolitan, To our beloved in Christ the Reverend Stephen Creyke, Clerk, Master of Arts, Archdeacon of the Archdeaconry of York, founded within our Cathedral and Metropolitan Church of Saint Peter in York, Greeting in the LORD. 'Whereas we have with due reverence received Her Majesty's Writ for summoning the Convocation of the Prelates and Clergy of the whole Province of York; We therefore 'by virtue and force of Her said Majesty's Writ, peremptorily 'cite you and by you the whole Clergy of your aforesaid Archdeaconry, and all and singular others who anciently 'used to be called cited and admonished; and we will and 'command that they be so cited by you, and that you appear 'personally, or by your lawful Proctor, and that the whole Clergy of your said Archdeaconry appear by two Proctors, 'rightly elected and lawfully constituted, before us or our 'lawful Representative, in our Chapter House within the Cathedral and Metropolitan Church of Saint Peter in York, 'on the day of next ensuing, 'between the hours of eight and twelve in the forenoon of 'the same day, with continuation and prorogation of days and 'places (as occasion shall require), to treat upon such causes, 'as in Her said Majesty's Writ are contained, expressed, and 'specified, together with us or our lawful Representative, and 'others the Prelates and Clergy of our Province of York, 'and to give your and their wholesome advice of and concerning the premises, and to consent to such things which 'shall there seem expedient, or dissent to such things as shall 'seem inconvenient, and further to do and receive what the 'nature and quality of this Provincial Convocation shall 'demand and require. And we also intimate to you and by 'you to the whole Clergy of your said Archdeaconry, to 'whom we would have it intimated by these presents, that 'neither you nor they are intended to be excused from your 'and their appearances in the said Convocation in manner 'aforesaid. And what you shall do in the premises, you 'shall duly certify us or our lawful Representative, on the 'said day, hours, and place, together with these presents.

‘Given at York, under the seal of our Consistory Court there, this day of in the year of our Lord one thousand eight hundred and fifty-two, and in the year of our Translation.’ BY THE AUTHORITY and power whereof WE the Archdeacon aforesaid, do will, require, and strictly enjoin you or one of you, to cite peremptorily the whole Clergy of our Archdeaconry aforesaid, to be before us or our lawful representative, in the Parish Church of Saint Michael le Belfrey, in the City of York, and within our said Archdeaconry, on the day of between the hours of eight and twelve in the forenoon of the said day, to nominate, elect, and constitute two sufficient Proctors for the Clergy of the Archdeaconry aforesaid, to appear before the said Most Reverend Father in God or his lawful Representative, in the Chapter House aforesaid, on the said day of between the hours of eight and twelve in the forenoon of the same day, to treat, consent, and conclude upon the premises and other things which may be then and there expounded. And further to do and receive what the nature and quality of this Convocation may demand and require; and what you shall do in the premises you shall duly certify us or our lawful Representative, on the said day, hours, and place, together with these Presents.

“GIVEN under the Seal of our said Archdeaconry this day of in the year of our Lord, one thousand eight hundred and fifty-two.”

Endorsement.—“THIS PROCESS was duly published on Sunday, the day of in the year of our Lord one thousand eight hundred and fifty-two, by affixing the same on or near to the Door of the Parish Church of Saint Michael le Belfrey, within mentioned, previous to the commencement of Divine Service, in the said Church.⁴

Witness my hand

⁴ The Archdeacon also addressed a circular by post to every beneficed clergyman, apprizing him of the Citation.

Form of the Bishop of Oxford's Citation.

"SAMUEL, by Divine Permission, Lord Bishop of Oxford, To all and singular Clerks and Literate Persons whomsoever and wheresoever in and throughout our whole Diocese of Oxford, Greeting. Whereas we have lately received from the Right Reverend Father in God, Charles James, by the same permission, Lord Bishop of London, Letters Mandatory by higher Authority directed for a Convocation of the whole Clergy of the Province of Canterbury, to be assembled in the Chapter House of the Cathedral Church of Saint Paul in London, on Wednesday the twenty-second day of September instant. We do therefore hereby authorize and empower, and strictly charge and command you jointly and severally, peremptorily to cite, or cause to be cited, all and singular the Rectors and Vicars whose names are hereunder written, as well of places exempt as not exempt in the Deaneries of within our said Diocese of Oxford, to appear personally before Us, our Vicar General, his Surrogate, or other competent Judge in this my Behalf, in our Consistory Place, in the Parish Church of Saint Mary the Virgin, in the City of Oxford, on the day of next ensuing, between the hours of ten and twelve in the forenoon of the same day, then and there to elect, nominate, and choose two sufficient persons as Proctors for the Clergy of the whole Diocese of Oxford, to appear before the Most Reverend Father in God, William, by Divine Providence, Lord Archbishop of Canterbury, Primate and Metropolitan of all England, his Substitute or Commissary, in the Chapter House of the Cathedral Church of Saint Paul in London, on the day of next on ensuing, with continuation and prorogation of days and places, if it shall be thought necessary, to meet upon certain arduous and weighty affairs, which may concern the state and welfare, public good, and defence of this Kingdom, and the subjects thereof, to be then and there laid before them, and to give their good counsel and assistance upon the said affairs, and to consent to such things as shall be wholesomely ordered and appointed by their common advisement, to the honour of God and the good of the Church. And further to do and receive what shall be lawful, and the nature and quality of the said affairs

shall demand and require of them, and what you shall do in the premises, that you duly certify Us, our Official Principal, or his Surrogate at the time and place aforesaid, together with these presents. Given under our Episcopal Seal, the day of in the year of our Lord, one thousand eight hundred and forty-seven, and in the second year of our consecration.

[Here follow the names of the Clergy in each Deanery.]

All these dignitaries make *returns* to their proper superior of the execution of their several letters, the deans, chapters, and archdeacons to the bishop, and the bishops to the archbishop, returning therewith the names of the Proctors chosen by the clergy. The following are Forms:—

Bishop of Durham's Return.

Seal of the Consistory of Durham. } To the most Reverend Father in God, Edward, by Divine Providence Lord Archbishop of York, Primate of England and Metropolitan, Edward, by Divine Providence Lord Bishop of Durham, wisheth health: Whereas, with due reverence we lately received your Letters Mandatory hereunto annexed, and do acknowledge ourselves to have been cited by force and virtue of the same according to the tenor, force, and effect of the said letters, and by virtue whereof We caused the Dean and Chapter of Durham, the Archdeacons and Clergy of the Archdeaconries within our Diocese to be cited to appear before You or your Representatives at the place, day, or hours in the Letters Mandatory annexed mentioned, and according to the form and effect of the same, and so far as in us lies and as becomes us, We have diligently executed your said Letters Mandatory. In witness whereof We have caused the Seal of our Consistory Court (which we use in this behalf) to be put up to these presents this ninth day of October, in the year of Our Lord one thousand eight hundred and forty-seven.

JOSEPH DAVIDSON,

Deputy Registrar. 

Bishop of Sodor and Man's Return.

(Endorsed on the Archbishop's Mandate.)

“PURSUANT to the within Mandate, and agreeable to the tenor thereof, We ordered the Archdeacon and the whole Clergy of the Archdeaconry of this Diocese to be cited and admonished, and accordingly do certify that they were severally cited and admonished to appear at the time and place, and to the purposes in the said mandate mentioned. Witness our hand this twenty-third day of September one thousand eight hundred and forty-seven, and in the first year of our consecration.

“ R. J. SODOR AND MAN.”

“*Isle of Man,* } To the Most Reverend Father in Christ,
to wit. } Edward, by the Grace of God, Lord Archbishop of York, Primate of England and Metropolitan, &c. &c., Robert John, by Divine Permission, Lord Bishop of Sodor and Man, sendeth greeting. Whereas We have with due reverence received a Mandate for summoning the Convocation of Us, our Archdeacon, and the Clergy of our said Diocese of Sodor and Man, to be holden in the Chapter House of Saint Peter in York, on Tuesday the twelfth day of October next ensuing. We therefore, all duty and obedience to the said Mandate yielding, do by these presents, and in manner heretofore accustomed, recommend and nominate, as and for our proper Proxy, Proctor, or Representative in the Convocation aforesaid, our well beloved in Christ the Reverend Charles Hawkins, Clerk, Bachelor of Laws, Canon Residentiary of the Cathedral Church of York, by us duly authorized and appointed, and whom we humbly intreat you to receive in our name and in the name of our Archdeacon, and in the names of our respective Clergy, to consent to those things which shall seem expedient, or dissent to such things as shall seem inconvenient, agreeably to the injunctions and requisitions of the said Mandate as therein mentioned. Given at Bishop's Court, under our hand, the twenty-third day of September, in the year of our Lord one thousand eight hundred and forty-seven, and the first year of our consecration.

“ R. J. SODOR AND MAN.”

Archdeacon of Middlesex's Return.

"JOHN SINCLAIR, Clerk, Master of Arts, Archdeacon of the Archdeaconry of Middlesex in the Diocese of London, lawfully constituted, Whereas, We have received certain Mandatory Letters of the Right Reverend Father in God, Charles James, by Divine Permission, Lord Bishop of London, to Us directed in the words or to the effect following, to wit,

[Here follows the Bishop's Mandate, verbatim.]

"In obedience to which Mandate, We the Archdeacon aforesaid, do by these Letters Patent, sealed with our seal, certify to the said Right Reverend Father in God, Charles James, Lord Bishop of London, or his Commissary, Vicar General, or other competent Judge, that We have caused to be cited and admonished, all and singular, the Rectors, Vicars, and others, as well exempt as not exempt, having and obtaining Benefices and Ecclesiastical Promotions within the Archdeaconry of Middlesex, whose names are hereunder written,

[Here follow the names of the Clergy and their Parishes.]

to appear before Us, or our Official, his Surrogate, or other competent Judge, on Tuesday, the seventh day of September instant, at the hour of two o'clock in the afternoon, in the vestry room of the Parish Church of Saint Paul, Covent Garden, within the Archdeaconry aforesaid, for the purposes in the said Mandate mentioned and specified; And We, the Archdeacon aforesaid, do further certify the Reverend John Hume Spry, Doctor in Divinity, Rector of Saint Marylebone, in the county of Middlesex, and the Reverend Thomas Randolph, Rector of Much Hadham, in the county of Herts, to be Procurators for the Clergy of the Archdeaconry of Middlesex aforesaid, to appear in the Convocation aforesaid, and the said John Hume Spry and Thomas Randolph, were thereupon nominated and declared to be Procurators for the Archdeaconry aforesaid, and that they should be admonished to appear at the time and place and to the effect in the said Mandate mentioned and specified. Given under the Seal which we use in this behalf, the eighth day of September, in the year of our Lord one thousand eight hundred and forty-seven."

Archdeacon of York's Return.

"TO THE MOST REVEREND FATHER IN GOD, THOMAS, by Divine Providence Lord Archbishop of York, Primate of England and Metropolitan, or his Grace's lawful representative or representatives, with all reverence and obedience, We, Stephen Creyke, Master of Arts, Archdeacon of the Archdeaconry of York otherwise the West Riding, in the Cathedral and Metropolitan Church of Saint Peter of York, lawfully founded, have lately received your Grace's Mandate annexed to these presents, by the authority and force whereof we have caused to be cited the Clergy of our archdeaconry of the West Riding aforesaid to appear before us or our representative on and at a certain convenient day, hours, and place, and have commanded that the Clergy aforesaid appear by two able and sufficient Proctors, by them rightly elected and lawfully constituted, having full power and sufficient authority, together with you or your lawful representative or representatives, and others the Prelates and Clergy of your Province of York, on the day, hours, and place in your Grace's said Mandate specified, with continuation and prorogation of days and places (as occasion shall require), to treat of and give their wholesome advice and assistance of and concerning certain difficult and urgent affairs concerning our Sovereign Lady Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, the security and defence of the United Church of England and Ireland, and the peace and tranquillity, public good and defence of her Majesty's dominions, and the subjects of the same and other things which shall then on the part of our said Sovereign Lady the Queen be more clearly explained to them, and to consent to those things which shall seem expedient, or dissent to such things as shall seem inconvenient. And further to do and receive what the nature and quality of the said Convocation may demand and require, in all things according to the tenor and effect of your Grace's said Mandate to us directed, and to these presents annexed, to which are subscribed the names of the Proctors aforesaid, all and singular which premises we by these presents notify and signify unto your Grace, whom to His praise may the Almighty always preserve in safety. In testimony whereof we have hereunto caused to be affixed our Archidiaconal seal

this twenty-eighth day of July, in the year of our Lord one thousand eight hundred and fifty-two.

The names and surnames of the proctors of the clergy of the Archdeaconry of the West Riding.	The Hon. and Rev. WILLIAM HOWARD, M.A., Rector of Whiston, and the Rev. GEORGE TREVOR, M.A., Rector of All Saints' Pavement, York,	Are Proctors of the clergy of the whole Archdeaconry of the West Riding, chosen (as customary) at a public election."
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The Convocation of Canterbury is uniformly summoned to assemble in St. Paul's London, and that of York in the Metropolitan Church of the Province. Both are now called by the Queen's Writ for the day after the meeting of parliament, and if the day first appointed for that purpose be prorogued, writs are at the same time issued from the Crown to prorogue the Convocations also. In obedience to such writs the archbishops or their commissaries appear in the Chapter House and publicly continue the Convocations by reading written schedules to that effect.⁵

When the Parliament is actually assembled for the despatch of business, the two Convocations are formally opened on the day following. In that of Canterbury a degree of ceremonial is observed on this occasion which has no parallel in the Church of England.

The Archbishop, attended by the Dean of the Arches, with the advocates and proctors of Doctors Commons in full robes, and accompanied by the Bishops and Clergy of the Lower House, crosses in procession from the Chapter House in St. Paul's Churchyard, to

⁵ See pages 116 and 117.

the west door of the cathedral. His Grace and the bishops, are attired upon this occasion in the proper dress of the English episcopate, as appointed at the Reformation, and for which the robes now usually worn have been tacitly substituted. This dress consists of a scarlet silk chimere worn over the rochet, with the doctor's hood, and the ordinary black scarf: the archbishop as usual, having his train borne by a gentleman usher, and being attended by his chaplains in Court costume.⁶

From the west-door, the procession passes up to the choir, where the archbishop occupies the dean's stall, and the bishops those of the prebendaries. The Litany is then said in latin by the junior bishop from his stall, after which, a sermon is delivered by a preacher appointed by the archbishop, and the latter pronounces the benediction, all in the same tongue. The procession then leaves the choir for the chapter house within the church, where the bishops being seated, and the other clergy standing, the Royal Writ of *Convocari faciatis* is

⁶ The chimere is the Convocation habit of a doctor of divinity in Oxford, made of silk instead of cloth, as the rochet is an alb of lawn in place of linen, *honoris causa*: the detaching the sleeves from the rochet, and sewing them to the upper garment instead, is obviously a contrivance of the robe-makers. Dr. Hody says that the scarlet robe worn by the bishops in the *House of Lords*, is the doctor's gown at *Cambridge*, the first archbishops after the Reformation being of that university (*Hody* 140). At Parker's consecration he appeared first in a scarlet gown and hood; then at the Holy Communion he and two of the consecrating bishops wore white surplices, while the senior had a cope, and *after* his consecration, he and the two diocesan bishops endued themselves in the now customary dress of a bishop, the archbishop having about his neck, "a collar of sables." (*Card. Doc. An.* i. 243.) Before the reformation, it was remarked as peculiar to the English bishops, that they always wore their white rochets, "except when hunting." (*Hody*, 141.)

read. After this the Bishop of London delivers to the Archbishop the *Certificate* of the due execution of his Mandate to cite the province, which having been read, the names of the bishops are called over. The archbishop then directs the clergy of the Lower House to retire to their accustomed place of assembly, and elect a prolocutor, and to present him for his Grace's confirmation in the Upper House at their next meeting. The archbishop then continues the Convocation to the next day at Westminster, and departs with the bishops, leaving the clergy to proceed in their election.

The form of Archbishop Parker suggests that some of the king's privy councillors or chaplains, if present, or in their absence the Dean of St. Paul's, or the Archdeacon of London, should preside at the election of prolocutor, but this privilege, in 1586, is stated to belong of right to the Dean of St. Paul's, if present.⁷

The prolocutor being elected, the clergy also appoint a *præsentator* to present him to the archbishop for approval and confirmation. The next day the Convocation assembles at Westminster Abbey in the Jerusalem Chamber, where the session is opened with the following prayers :—

FORMA PRECUM.

In utraque Domo Convocationis, sive Synodi Prælatorum et cæteri Cleri, seu *Provincialis* seu *Nationalis*, in ipso statim cujuslibet Sessionis initio sollenniter recitanda.

¶ *Litania, seu Supplicatio Generalis, initio cujuslibet Sessionis sollenniter recitabitur ; præeunte in Domo quidem Superiori Episcopo novissime consecrato ; in Inferiori*

⁷ Act. Inf. Dom. Conv. ap Syn. Angl.

autem, Prolocutore, postquam fuerit electus, approbatus, et confirmatus.

PATER cœlestis, Deus! miserere nobis miseris peccatoribus.

Et sequentia in solita forma, nisi quod, post Petitionem illam.

Ut omnes Episcopos, Presbyteros, et Diaconos vera cognitione, &c. *hæc proxime sequuntur.*

Ut præsentī huic Convocationi [*vel Synodo*] Spiritu tuo Sancto aspirare et præesse digneris, qui nos ducat in omnem veritatem quæ est secundum pietatem.

¶ *Deinde, Litania finita, sequetur Oratio pro suprema Curia Parlamenti, durante ejus Sessione.*

Clementissime Deus! te rogamus, &c.

¶ *Huic subsequitur Oratio pro præsentē Convocatione, sive Synodo.*

DOMINE Deus, Pater luminum, et fons omnis sapientiæ! nos, ad scabellum pedum tuorum provoluti, humiles tui et indigni famuli, Te rogamus, ut qui in Nomine tuo, sub auspiciis clementissimæ Reginæ Victoriæ, hic convenimus, gratia tua cœlitus adjuti, ea omnia investigare, meditari, tractare, et discernere valeamus, quæ honorem tuum et gloriam promoveant, et in Ecclesiæ cedant profectum. Concede igitur, ut Spiritus tuus, qui Concilio olim Apostolico, huic nostro etiam nunc insideat, ducatque nos in omnem veritatem quæ est secundum pietatem: ut qui, ad amussim sanctæ Reformationis nostræ, errores, corruptelas, et superstitiones olim hic grassantes, tyrannidemque Papalem, merito et serio repudiavimus, Fidem Apostolicam et vere Catholicam firmiter et constanter teneamus omnes; tibi que rite puro cultu intrepidi serviamus, per Jesum Christum, Dominum et Servatorem nostrum. Amen.

¶ *Superaddi poterunt quatuor Collectæ, vel aliquot earum, prout visum fuerit, pro universo Clero. Quæ autem illas sequitur, quinta, quæ Sancti Chrysostomi dicitur, nunquam omittatur.*

I.

OMNIPOTENS Deus! qui Ecclesiam tuam Apostolorum et

Prophetarum fundamento, ipsique adeo imo ejus angulari lapidi Jesu Christo inædificasti; concede, nos ita per eorum doctrinam in unitate Spiritus conjungi, ut in templum sanctum, tibi acceptum, exurgamus, per Jesum Christum, Dominum nostrum. Amen.

II.

OMNIPOTENS et Sempiternus Deus! cujus Spiritu integrum Ecclesiæ corpus regitur et sanctificatur; supplicationes nostras ac preces suscipe, quas pro omnibus in Ecclesia tua sancta hominum ordinibus tibi offerimus; ut unumquodque ejusdem membrum, pro suo munere et ministerio, sincere tibi et religiose inserviat, per Dominum et Servatorem nostrum, Jesum Christum. Amen.

III.

OMNIPOTENS Deus! qui, per Filium tuum, Jesum Christum, sanctis Apostolis tuis multa contulisti dona præstantia, iisque, ut gregem tuum pascere, instanter præcepisti; faxis, quæsumus, ut Episcopi et Pastores omnes sanctum verbum tuum diligenter prædicent; populusque eidem studiose obsequatur, quo æternæ coronæ gloriæ consequamur omnes, per Jesum Christum, Dominum nostrum. Amen.

IV.

CONCEDE, quæsumus, Domine, ut mundi hujus tenor ita placide moderamine tuo temperetur, ut Ecclesia tua pie, tranquille. et alacriter tibi famuletur, per Jesum Christum, Dominum nostrum. Amen.

V.

OMNIPOTENS Deus! qui gratiam nobis dedisti ad communes nostras hoc tempore preces uno tibi animo effundendas, quique polliceris, ubi duo vel tres in nomine tuo congregati fuerint, te eorum petitiones exauditorum; famulorum tuorum, Domine, desideria ac vota, prout illis expediat maxime, jam adimple; concessa nobis in hoc sæculo tuæ veritatis cognitione, et in futuro vita æterna. Amen.

GRATIA Domini nostri, Jesu Christi, et caritas Dei, et communicatio Spiritus Sancti, sit semper nobiscum omnibus. Amen.

After prayers, the Dean or one of the Prebendaries of Westminster exhibits a protest as follows :—

“We the within-named William Buckland, Doctor in Divinity, Dean of the Collegiate Church of Saint Peter Westminster, and the Chapter of the same Church, do hereby declare and protest that we do not intend by this compliance with the citation of the Lord Bishop of London, Dean of the Province of Canterbury, to acknowledge any jurisdiction or authority either of the said Bishop or of the Lord Archbishop of Canterbury over us the said Dean and Chapter, or over our said Collegiate Church, but do claim and assert that we are immediately subject to the Queen’s Majesty, and to no other ecclesiastical authority whatsoever. And that we make the within certificate and return in obedience to her said Majesty’s commands only, as the same have been signified by writ to the said Lord Archbishop, and by the said Lord Bishop’s letter conveyed to us.”

After this the prolocutor is introduced, presented, and confirmed by the archbishop. Prior to 1666 this was always done in the name of the whole Upper House, but since the destruction of the records the confirmation has been made to run in the sole name of the archbishop.

The prolocutor is directed in Archbishop Parker’s Form, to wear the scarlet gown of a Doctor: he is almost uniformly of that degree in one of our Universities.

The prolocutor and Lower House having again betaken themselves to their own chamber, it is usual for the Upper House to adopt an address to the Crown and send it to the Lower, who, after some trifling amend-

ment, to show their right, have been wont to agree to it.

It is now open to either House to proceed in their legitimate functions until continued or prorogued by the archbishop. For many years, however, as soon as the address is passed, the archbishop has read a schedule of prorogation to some distant day, and this being signed and sent down to the Lower House, the whole Convocation stands adjourned; the archbishop having power to reassemble it at his pleasure. At the end of the Session of Parliament the Royal Writ is issued, as before, for the prorogation of the Convocations also, and this is immediately executed in both provinces by the the archbishops or their commissioners.

At the next session of Parliament the Convocation of Canterbury assembles with the same ceremonial, again addresses the Crown, and is again prorogued by the archbishop till another Writ of Prorogation arrives from the Crown. The Convocation is thus continued in being till the dissolution of Parliament, when a writ is issued to the archbishop to dissolve it.⁸

⁸ Both the archbishops departed this life during the Convocations begun in 1847. In York the Royal Writ had just been addressed to the archbishop for a prorogation previous to the formal opening of the Convocation, and this writ was executed by one of the canons residentiary, as a member of the chapter, who are the guardians of the spiritualities. The chapter then applied to the Crown office for authority to elect a president, that being supposed to be the course pursued in the reign of James I. Upon referring, however, to the proceedings in that case (which are printed for the first time in this volume, page 98-100), it will be seen that such authority was not required, the chapter having at that time elected the president in their own right, and afterwards submitted the election for royal confirmation. In 1847 a

The Convocation of York, as will appear from the extracts already given from its proceedings, was formerly opened with similar solemnities. But for a long period the bishops have seldom attended in person:⁹ no prolocutor appears to have been appointed since 1661; nor has any address to the Crown been adopted, with the exception of that to Queen Anne in 1703. The Convocation is summoned and prorogued to the day after the assembly of Parliament, as in the other province, but at the actual opening the whole form consists of calling over the names, pronouncing the absent to be contumacious, decreeing to proceed, and then continuing or adjourning to a future day, all which is compendiously dispatched in a single schedule, the form of which is given at page 119.

On the calling of the Bishop and Clergy of Durham their proctors regularly present a protest, which is as regularly rejected by the president (unread) as "frivolous and trifling, and no way pertinent to the present business." An entry to that effect is accordingly made on the acts of Convocation.

writ was granted according to the request of the chapter, under which the canon then in residence was elected president; but as the Convocation was to sit the next day the election could not be submitted to the Crown. The proceedings upon this occasion were conducted with much uncertainty, for want of acquaintance with the precedents. In the Convocation of Canterbury the formal opening had taken place, and the Synod stood prorogued or continued when the archbishop died. The dean and chapter, as well as the Crown office, appear to have remained inactive, and after the consecration of the new archbishop, it was found that the day had passed to which the prorogation was made. The Convocation was accordingly held to be "discontinued," and a writ was issued from the Crown to enable the archbishop to revive it.

⁹ The Archbishop and the Bishop of Sodor and Man appeared in person on the 14th March, 1640.

"2nd Dec., 1741. Edward, Lord Bishop of Durham; Thomas Edon, Clerk, Doctor of Laws, and Henry Bland, Clerk, Master of Arts, his proctors; James Baker, Clerk, Doctor of Physic, their substitute, appeared and exhibited his substitution, and protested, as in writing, which protestation was wholly rejected as frivolous and trifling and no ways pertinent to the present business."

The protest, as now given in, runs as follows:—

"I, A. B. the true and lawful Proctor of
C. D., Dean of Durham, of the Cathedral
Church of Christ and Blessed Mary the Virgin, lawfully
constituted, do exhibit my proxy in writing for the said

C. D., Dean of Durham, and do appear in this
Convocation with a protestation of adhering to, and abiding
by the privileges, immunities, exemptions, and liberties
granted to the said Church of Durham, and this protestation
I desire to be inserted and enacted in all and singular Ses-
sions and Acts made and to be made in this Convocation, and
the same I insist and require to have taken as always re-
peated: upon all which I desire you, the Notary Public, or
any other Notary Public here present, to make me one or
more public instrument or instruments, and the witnesses
here present to give their testimony to the truth of the
premises.

(Signed)

"A. B."

This protest is of ancient standing,¹⁰ and was probably connected with the privilege enjoyed in the County Palatine of holding a separate assembly for the king's service within the diocese. Such an assembly as we have seen was held in 1282; and upon other occasions the diocese of Durham has granted its subsidies distinct from the rest of the province. That it is not meant to dispute their canonical obedience to the archbishop as

¹⁰ "Anno 1380. Has literas arehiepiscopi episcopus Dunelm cum protestatione debita et consueta receptas mandato suo commissariis inseruit directo, dal. 6 die mensis Martii, 1379."—*Wilkins, Conc.* iii. 151.

metropolitan, is evident from the terms of the bishop's return to his citation already given.

In the Convocation at York on the 19th November, 1847, the Archdeacon of York, previous to the reading of the schedule of prorogation, obtained leave of the President to read a petition complaining of the late election for proctors in his archdeaconry. He then moved that the petition should be received, which after a debate was put to the vote by the President, and declared to be carried. A complaint of a similar nature was read by the Archdeacon of Cleveland, but being addressed to himself, and not to the Convocation, it was not received nor entered upon the acts. The President then announced that an address to the Crown had been agreed to by the Bishops, the draft of which he had placed in the hands of the Archdeacon of the East Riding, who rose to move its adoption. Upon this a claim was made, according to precedent, for the clergy to elect their prolocutor, and the Archdeacon of Durham was put in nomination, but the President refusing to allow of the proceeding, the assembly was thrown into some confusion, and finally prorogued before the address could be moved, or even read.

After being thus continued by the President, the Convocation of York, according to modern practice, never assembles again. The royal writs for prorogation are regularly read by the archbishop's commissioner, and the Convocation continued to the days therein appointed: but when the day arrives on which, according to the tenor of the writ, the Convocation should "then and there be holden," and upon which in the other province the archbishop attends and again continues the assembly, no attendance has for some years been given in York,

either on the part of the President or of the members. The consequence is that the Acts exhibit a succession of intervals in each year after the first, during which it may be questioned if the Convocation is not legally "discontinued" (as it was lately held in the other province), and the archbishop responsible for disobedience to the Queen's Writ.

This curious irregularity (though manifestly a piece of negligence which began little more than a hundred years ago) is now, like other corruptions, dignified with the name of *custom*. So pertinaciously is it adhered to, that when on the 4th Feb. 1852, several members attended *with petitions to present*, the authorities refused to open the Session, and the petitions remained unrepresented. Some which were transmitted to the archbishop with a view to their being deposited with the records of Convocation, are of course not entered upon the Acts, nor in any manner officially recognized. An explanation was subsequently given by his Grace in the House of Lords, which seemed to refer the responsibility of this proceeding to his representatives and officers in York. But it is still somewhat uncertain whether the Convocation of York, like that of the sister province, the two Houses of Parliament, and the Throne itself, will in future be open to the petitions of the subject; or whether that important right is to be restricted, as far as regards this venerable body, to a brief opportunity once in seven years, or to such shorter interval as her Majesty may deem necessary for the existence of her Parliament.

CHAPTER X.

OF THE REVIVAL OF THE CONVOCATIONS.

Integral part of the Constitution.—Sources of Strength and Unity.—Suspended at the Revolution.—Not designed to be Suppressed.—Causes of continued Suspension.—Changes in the Church.—And in Parliament.—Demand for Convocation.—Unjustly Stigmatized.—Common Objection.—Voluntary Meetings.—Qualifications of the Clergy.—Subjects to be Debated.—Limits of the Law.—Admissions of Bishop of St. David's, and Archdeacon of Chichester.—Defects in Convocation.—Spiritual Legislature.—Imperial Synod.—General Protestant Episcopal Council.—Provincial Synods only Practicable.—Irish Church.—Colonial Churches.—Apprehensions of Diversity.—Reply.—Objection to two Convocations.—Concurrence of Action.—Inadequacy of Representation.—Inconsistency of the Objection.—Modern Changes.—Disproportion of the Parochial Clergy.—Not in York.—Proposed Reform in Canterbury.—Cathedral Chapters.—Election of Deans and Archdeacons.—Extension of the franchise to Curates.—Full representation of the Clergy.—Admission of the Laity.—No objection on the part of the Advocates of Convocation.—ARCHDEACON CHURTON'S SCHEME.—Wake.—Difficulties.—Parliament.—Royal Supremacy.—Union of Church and State.—Securities.—Convocations of the Clergy first.—Their justice and employment.—Healing of party divisions.—Convocation no Panacea.—Determination of its Advocates.—Question only of time.—The end.

THE Convocations, whose origin, constitution, and forms of proceeding have now been examined, are an integral part of the constitution of the Church of England. Deriving their institution from CHRIST Himself, they have existed in substance ever since the first planting of the Gospel in this country, and were uniformly appealed to in times of corruption or strife, as sources of religious truth and unity. They fell into abeyance from the political troubles belonging

to the Revolution of 1688. No question was raised of their spiritual authority; no complaint preferred of their inadequately representing the clergy or the Church. These are *ex post facto* pretences invented since their action became unusual, to justify its continued suspension. The fact is, that the policy of the Revolution favoured the dissenters; and having failed in the attempt to sacrifice the Liturgy to their objections, the royal prerogative was employed to silence the Synods of the clergy, and dissipate the energies it was unable to subjugate.

A present escape from temporary embarrassment was all that was then contemplated. The suspicion that any permanent discontinuance of Convocation might be meditated, was resented as a great and unworthy indignity.¹ Once suspended, however, succeeding cabinets showed no desire to revive the constitutional check on the ecclesiastical patronage of the Crown, nor were archbishops more disposed to abridge the irregular influence which in the desuetude of Synods attaches to the person of the Metropolitan. It was considered right not only to deny the clergy their share in the franchises extended to the rest of the nation, but to deprive the Church of constitutional liberties which had survived throughout the Papacy

¹ Kennett reproves Atterbury for such an insinuation in the following characteristic language: "To fling and fly at this imperious rate, and scatter reflections on the highest heads in such abundant manner, when after all there is no design in our superiors to bring in a disuse of Convocations, and it was no intention of Dr. Wake to assert more than the legal restrictions of them; this is not the sense nor the spirit of the Church of England; this is not to follow the things that make for her peace and interest." *Eccl. Syn.* 106.

and the Reformation. The clergy were reduced to an abject dependence on their temporal patrons, while it was hoped by the relaxation of all ecclesiastical discipline to content the laity.

Meantime the sects who were to be propitiated by this great humiliation of the National Church, naturally grew more powerful and more hostile. The increase of manufactures congregated new masses of population, for whose spiritual learning no adequate provision could be made, under a paralyzed² and fast stiffening Establishment. At the same time the spread of colonization and missionary enterprise gave existence to Churches beyond the seas, for which, when the episcopate was reluctantly and sparingly extended, no better system could be devised than to include them by a clumsy fiction in the Province of Canterbury, whose Constitutions were not intended for their observance, and to whose Synods their representatives have no admission.

While events so unlooked-for were in progress on the one hand, the temporal Legislature began to recede on the other, from that measure of State-protection which had been considered to compensate for the loss of Convocational action. It has at length admitted

² "Owing in part to the unmanageable bulk of our dioceses, the deadness of former generations, and the secular state with which our constitution has invested the person of a bishop, there has been far less of affectionate and brotherly intercourse (with the clergy) than the interests of the Church, and the condition of the ministry demand; men have beheld the great lord and secular baron, *and not the spiritual father*. The world has eclipsed the divine aspect of the office; an abyss has been widening between the clergy and their natural leaders: and, at the moment when confidence and union are essential, we discover the disruption. *We cannot move*—PARALYSIS HAS STRUCK US!"—*Arch-deacon of Chichester, Charge, 1852.*

into its bosom members of every religious denomination except the Jews, whose exclusion is inconsistent and will not long be maintained. A body so constituted cannot be expected, or permitted, to consult for the extension or improvement of the Church as a religious community. In so far as her revenues are the property of the nation, and her ministers public officers, the National Legislature will still assert its control. But the interests of the Church, as a body of Christians associated on a particular view of the Gospel, are obviously extraneous to the political character of the Imperial parliament.

A situation so little anticipated might well justify the desire for a restoration of the Church's deliberative Institutions. And when to this is added the deep passionate yearning after spiritual life, which has providentially succeeded to the dry and sapless orthodoxy of the last century, the wonder is, how any warm-hearted churchman can refrain from sustaining the demand, which is already enunciated by some of her most distinguished bishops and clergy.

In this, however, as in so many other abuses, time has sanctioned that which no one had the hardihood to propose. Corruption has become normal. The restoration of that ecclesiastical polity which fostered all our standard divines, and raised the Church of England to be the glory and bulwark of the Reformation, is viewed as a novel and perilous experiment. To vindicate against modern ignorance and neglect our true ancient and only lawful constitution, is stigmatized as innovation and rebellion. Even the charge of *party spirit* is not withheld against those whose desire is for a free and full representation of the English Church. It is her peculiar glory, we are told, to be unfit for counsel,

concert, and system. Her condition must be perpetually one which is directly opposed to the letter of the Holy Scripture, and the repeated decrees of the Councils we appeal to against Rome; a condition which not only no portion of the Church Catholick, but no responsible organization of any sort, temporal or religious, deems it safe to submit to;—which was forced upon herself as a temporary expedient during the rush and pressure of a Revolution, and which in every other part of the British Constitution is judged fatal to progress and power.³

The most common argument against the assembling of

³ The Church has surely a right to complain when representations of this kind are imposed upon the younger clergy from quarters where they expect the instruction and guidance of authority. The Bishop of St. David's carried much sympathy with him when he (perhaps too caustically) expressed a doubt of the advantages to be derived to the Church, from permitting an archdeacon to ventilate his private opinions in the shape of a "Charge to the Clergy." Such addresses (whether episcopal or archidiaconal) are properly dedicated, as the name denotes, to the language of *authority*. They were designed to publish and enforce synodical decrees, with other such matters as may lawfully be given in *charge* to the clergy. Learned men have also turned them to good account, by reviewing the doctrines of the Church, the writings of the Fathers, or the legal claims and obligations of the clergy. In the present day, it is too much the fashion to make them the vehicle of the personal views of the speaker, on some political or controverted topic. In such cases it ought always to be remembered that private opinions do not change their character, merely because the pamphlet in which they are published is denominated a Charge. Our opening chapter contained a reference to a publication of this kind by a distinguished prelate, who is at once a great historian and a logician. The chief evil in the errors of such men is the certainty of their being reproduced in an exaggerated shape by others. The new Archdeacon of Chichester has followed in his lordship's track, with a "Charge" so extravagantly coloured as to make it difficult to trace the features of history, or the conclusions of a sober judgment, in its rhetorical paragraphs. The real difficulties in the way of Convocation suggested in this imposing document are considered, along with some others, in our text. But it would be useless to follow a writer whose conclusion was

of the nation. It was solemnly assigned as one of the reasons for abolishing the supremacy of the Pope, that the English Church (a phrase by which our Reformers were not afraid to designate the *clergy*)⁴

“always hath been reputed, and also found of that sort, that both for knowledge, integrity, and sufficiency of number, it always hath been thought, and is also at this hour, sufficient and meet of itself, without the intermeddling of any exterior person or persons, to declare and determine all such doubts, and to administer all such offices and duties as to their rooms spiritual doth appertain.”

It is surely not to be said that three centuries of Protestant light and learning have disqualified our clergy from sustaining the reputation of their popish predecessors.

With many, however, the apprehensions which have been expressed belong to the subjects of debate, rather than to the persons to debate of them. The opponents of Convocation have been incessant in asserting that the object of its advocates is to meddle with the Liturgy, or the Articles, or the liberty of conscience, at present enjoyed in the Established Church. Even the authorized version of the Bible is by some unscrupulous partisans insinuated to be in danger. Such representations can have weight only where the history and the powers of Convocation are unknown. After perusing the preceding pages it will be seen that even could the Convocations be imagined to act in our days exactly contrary to every tendency of former times, they would still have no power to effect any one of these visionary changes. The Liturgy, the Articles, the authorized Version, the whole theological and legal

⁴ “That part of the said body politic called the spirituality now being usually called the English Church.”—24th H. VIII. c. xii.

system of the Church, are established by Act of Parliament. No resolution whatever of Convocation could become law even to the clergy, without the consent of the Crown, while no constitution can bind the laity or the civil rights of clergymen, unless confirmed by Act of Parliament. Should the Crown or the Parliament be at any time disposed to innovate upon our formularies,⁵ it might be possible for the Convocations (as they have done before) to offer a *resistance*, of which the Church in their abeyance is incapable; but to suppose that the laws relating to the ecclesiastical establishments of this country could be altered by Convocation, is about as reasonable as to charge it with a conspiracy to overthrow the equitable jurisdiction of the High Court of Chancery.

It is acknowledged, even by the writers who thus seek to alarm and prejudice the public mind, that "the general notion of a representative deliberative assembly in the Church is both natural and reasonable,"⁶ and

"that were our views limited to such practical improvements as the great majority of all parties might be brought to agree in, such an office, subordinate as compared with a directing and central Church-power, but *most important to her welfare*, might be found for Convocation."⁷

Why then endeavour to render these advantages *impossible*, by dwelling upon party differences, and discrediting our only existing institutions for common deliberation?

There are others who, impressed with the importance of Synodal action, and not disposed to be altogether de-

⁵ There is actually a society formed at Plymouth to agitate for an alteration of the Prayer Book by Act of Parliament, and its promoters, as might be expected, are furious opponents of Convocation.

⁶ Bishop of St. David's.

⁷ Archdeacon of Chichester.

tered from prosecuting its revival, yet conceive our Convocations to be unsuited for the Church's work, and hardly to offer more than the germ of a convention for remodelling the Ecclesiastical Constitution. This notion also is sedulously fostered by the enemies of Synodical action. And it may be true that schemes are entertained on the other side which the Provincial Convocations are certainly not able to realize. The magnificent idea is sometimes presented of a spiritual legislature for the whole Church of England, comprehending not only the Irish Provinces, but all her Colonial and Missionary Dioceses, united into one harmonious and self-directing organization, and independent, to a great extent, of the temporal legislature. Such an institution to be effective must obviously consist of one *National*, or more properly speaking *Imperial* Synod, and must include an adequate representation of the laity, who, upon primitive and Anglican principles, are doubtless not to be concluded by the sole voice of the bishops and clergy. It could hardly be questioned, if we had a *tabula rasa* before us, and were at liberty to frame our ecclesiastical constitution irrespective of the laws and traditions of centuries, that such an Anglican Synod would impart immense power and order to the doctrine and discipline of the Church: nor yet that this object would be still more effectually promoted by a *General Council* of the Protestant Episcopal Churches, combining the Scottish and American with the Anglican communion. It may well be doubted, however, if the time is arrived for such extensive projects. The genius of our nation points towards gradual approaches to great ends by partial and therefore practical reforms, rather than to paper constitutions, or "radical" and

“organic changes.” Every National or larger Synod is composed of delegations from Provincial Councils, and while our Church, like the primitive, acknowledges no spiritual officer above a metropolitan, the first duty should be to revive the synodical action of those existing integral jurisdictions. Such is the more modest, but perhaps more feasible, object of the proposed revival of our Convocations.

The Church of Ireland, though by the Act of Union one Church with that of England, has never been so treated even by the temporal legislature. It has its own canonical and metropolitan authority, and should be allowed to pursue for itself the same moderate course which is proposed for the English Provinces. The Colonial Churches again, are rapidly exploding the absurd fiction of their annexation to the Province of Canterbury, and will soon acquire some more practical and Protestant organization. They may derive a great and indeed indispensable assistance from the ecclesiastical authority of the mother country, in laying down the limits within which their local developments may be retained in essential unity with the Church of England. But there is no occasion to embarrass the proposition for a definite reform in the Mother Church, by questions affecting branches whose condition and requisites are greatly dissimilar.

If against this it be urged, that to organize by separate movements the English, the Irish, and the Colonial Provinces, would be to incur the danger of splitting the Church of England into three or more communions; the answer is to be found in that much abused apothegm—“unity without uniformity.” If the practical requisites of the several countries be widely

different, a corresponding difference must and ought to find place in their ecclesiastical organizations. To stunt the growth of all, lest their maturity should chance to exhibit some features of distinction, were a more wicked and antichristian policy than was ever contemplated at Rome itself. The Church has at least the same security as the Empire. The Articles, the Liturgy, and the authorized version of the Scriptures, can no where be altered, but by the authority which established them; that is, by the united voice, spiritual and temporal, of the whole British Empire. In no English, Irish, or Colonial Province, could either be touched with the finger of innovation. The Prerogative Royal also is co-extensive with the sovereignty of the Crown, and will every where be enforced "over all persons and in all causes, ecclesiastical as well as civil, within Her Majesty's dominions supreme." With such immoveable safeguards, no truly liberal mind can contemplate with apprehension the extension of a righteous liberty to all the vigorous branches of our great and growing Communion. At the same time, to turn our Colonial Dioceses afloat upon their own resources, to construct Synods, diocesan or provincial, according to the prevailing taste of their present populations, would be assuredly to split up the Church of England, and endanger the stability of her doctrines throughout the world. This great question alone—a question which must be practically decided within a few years—is of itself ample reason for demanding the restoration of the synodal authority of the Mother Church.

The puny captious objection to the existence of *two* Provincial Synods in England, admits, in addition to other answers, of a decisive appeal to experience. If it were

now proposed to *originate* two Provincial Synods in one country, the question might be put, how discord and collision were to be avoided. But when those Synods have existed without discord for above five centuries, and have harmoniously concurred in establishing the present standards of the Church, it is an idle attempt to alarm us by "the rival, and perhaps we ought to call them the *hostile*, relations of the two Convocations of Canterbury and York;"⁸ even were it true (which it is not), that "the clergy in York, from sitting⁹ in one house can out-vote the episcopal members," or that a course antagonistic to that of Canterbury is either probable or possible to that Convocation.

The methods by which the two Convocations have hitherto concurred, have been explained in this work. A delegation, such as was adopted in 1661, may obviously consist of any number of members, and proceed from either House, or from both, as should be judged expedient. There would be no difficulty even in bringing the two Convocations entire into one assembly, presided over by the archbishops jointly, as the papal legates were accustomed to sit before the Reformation. To this course, however, it might be neither necessary nor convenient to resort with frequency. For ordinary purposes, it might be sufficient that the measures proposed in both Convocations should be referred to a joint committee of the two Lower Houses, and that all the bishops should confer upon them together in London. This or any other preferable arrangement could easily be authorized by a vote of the respective Convocations, after

⁸ Archdeacon of Chichester.

⁹ Ibid.

such a preliminary intercommunion, and ratified by the Crown; and to consider of such an arrangement is part of the business on which the Convocations should at once be invited to enter.

It is alleged however, by our opponents, that these Convocations "cannot be allowed for any practical purpose to represent even the clergy ; " ¹⁰ their constitution is

"fundamentally vicious, the chapters and dignified clergy have an intolerable preponderance, and the parochial clergy are for every effectual purpose unrepresented. It follows that failure *must and ought to* accompany any attempt to make such a body as this the normal instrument of Church government even for the clergy." ¹¹

This language surely betrays a great lack of acquaintance with the principles of an ecclesiastical Synod : it could not be justified were our Convocations, like Provincial Synods in the earliest times, without any representation whatever of the inferior clergy. It is whimsical also to hear this argument adduced against Convocation, when its authors have no hesitation in consigning the Church as a "mere passive instrument to the higher will" of the *parliament*, where none but the bishops are represented at all. Such *radical* language is however altogether inapplicable to one of the two Convocations, and a gross exaggeration when applied to the other. Nothing has happened to render the representation of the clergy more "intolerable" in our day than of old. The changes which are dwelt upon, as rendering the ancient institutions unsuitable to present circumstances, are nothing more than the re-arrangement of dioceses and archdeaconries, the extinction of peculiars, and a large increase in the number of perpetual or

¹⁰ Archdeacon of Chichester.

¹¹ Bishop of St. David's.

incumbent curacies. The new limits have been readily observed, though perhaps without strict canonical authority, in all our late elections for proctors, and the new incumbents have been everywhere, as a matter of course, admitted to exercise the elective franchise. The practical good sense of Englishmen easily surmounted these formidable objections.

The disproportionate representation of the clergy in the Lower House of Canterbury, is an evil neither peculiar to this age nor difficult of redress. It was complained of by Kennet, who at the same time indicated the simple and rational remedy. This evil has no existence in the province of York, where every archdeaconry sends its two proctors direct to Convocation, and the number of elected members considerably exceeds that of the dignitaries. It is but to extend this constitution to the province of Canterbury—in some parts of which Kennet says it formerly prevailed,¹²—and not only is the “intolerable” disparity rectified, but all the confusion and incongruity which we have noticed in the elections of the several dioceses disappears along with it. This is another point on which the Convocation of the southern province has a right to demand the opportunity of deliberation and action.

With regard to the Cathedral chapters, it may be observed that they are no longer so diverse in interest or feeling from the parochial clergy. The spoliation of the prebendal stalls in the cathedrals of the old foundation, has occasioned their holders to be in no other respect distinguished from the rest of the clergy, than as having received an honourable mark of profes-

¹² Eccl. Syn. p. 141.

sional merit. These non-residentiary members constitute the large majority, and may be expected increasingly to attend the election of their proctors. If in the cathedrals of the new foundation, this franchise were in like manner extended to the *honorary canons*, no distinction could be fairly taken between capitular proctors and other representatives of the clergy.

It has been further suggested, by a dignitary earnest for Convocational action—that deans and archdeacons should no longer retain their seats unless elected by the clergy;¹³ but such a change involves too extensive a departure from the principles and precedents of our Synods to be advocated in these pages.

If to the reforms now suggested, all of which are within the power of the Convocations themselves (with the sanction of the Crown), were added the extension of the franchise to all licensed priests serving within the respective archdeaconries, nothing would remain to be desired for the representation of the clergy. The united Convocation would consist of the two archbishops, and twenty-six bishops in the Upper House; and of the following dignitaries and proctors in the Lower:—

Deans, including Windsor and Westminster .	30
Archdeacons	70
Capitular Proctors (one each).	30
Proctors from the Clergy, two from every Archdeaconry	140
Total	<u>270</u>

¹³ Archdeacon Wilberforce's Charge.

Looking to the constitution of this body, partly nominated by the Crown, partly by the bishops, and the majority elected by the voice of the clerical constituencies—which, varying in the different localities from 20 to 200, would include every serving member of the priestly order,—it is difficult to perceive in what respect it would fail of adequately representing the *spirituality* of this kingdom. If such an assembly is to be thought incapable of efficient action, we must not only learn to doubt the first principles of the British Constitution, but anxiously enquire whether there be any spiritual life remaining in a clergy who cannot supply the indispensable requisites of a Christian Society.

We have still to meet the objection, that “the clergy are not the Church:” the laity also are entitled to a voice in her Synods; and with that ambi-dextrous ingenuity which distinguishes the opponents of Convocation, this demand is first insisted upon as indispensable to any revival of Convocation, and then portrayed as “a great organic change,” the peril of which may well justify the evasion of the whole question. Once more we must appeal to the language and laws of the Church herself. There is a sense recognised by our constitution in which the clergy *are* the Church. Their Convocations are the “true Church of England by representation,” and this not in the private judgment of individuals, but according to the legislative declarations of the Church and kingdom of England. Nor is this a mere technical assertion. In all religious societies *some* functions are peculiar to the ministry, and within the limits assigned to those functions it must and does bind the whole body. If the clergy only are qualified to minister the sacraments,

and the laity can neither originate that commission nor share in its authority, some proper voice must belong to the Order on which an exclusive responsibility is imposed.

The bishops and clergy have then a province of their own, the neglect or discharge of which must largely affect the laity. Their title is to *receive* that which the clergy are to *administer*, and it concerns their spiritual welfare that functions which they cannot procure for themselves should be regulated by the common deliberation of the Sacred Orders, instead of being left to the individual caprice, indolence, or perverseness of their own bishop or priest.

The assemblies of the clergy, again, are recognised both in law and reason as the proper advisers of the sovereign and parliament, in such ecclesiastical matters as they are entitled to deal with. Both for the regulation of their own function, and for the *propounding* of regulations for the consideration of the laity, the Synods of the clergy occupy their just and necessary sphere in the government of the Church.

Nevertheless it is far from the design of those who advocate their revival, to object to the admission of a lay representation. While the enemies of all Synodal action are pleasing themselves with the discovery of an insurmountable difficulty in raising this question, its friends have been vigorously employed in reducing it to a yet further element of power and unity to the Church. A scheme for this purpose has been drawn by one whose loyalty to the Church,¹⁴ and her genuine Con-

¹⁴ The Venerable Edward Churton, M.A., Archdeacon of Cleveland.

stitution, is beyond suspicion, and that scheme is here detailed with the author's express authority.

"Our Government is a mixed monarchy, aristocracy, and democracy. Therefore in the Church each of these portions should be represented, while the Royal Supremacy is guardedly retained. Let the Two Convocations be united in one Synod, and the lower House be re-constructed as follows :—

CLERGY.

Deans, including Westminster and Windsor .	30
Representatives of Chapters, one each . . .	30
Archdeacons	70
Proctors, two from each Archdeaconry, according to the York model	140
Professors at Oxford and Cambridge, Regius Margaret and Norrisian Divinity, Regius Hebrew, Pastoral Theology, and Christian Advocate	10
	<hr/>
	280

LAITY.

All Members of H. M. Privy Council, being <i>bona fide</i> Members of the Church of England, about	160
Judges of the Courts at Westminster, and of the Court of Chancery, and principal Ecclesiastical Courts, about	25
Elected Members: Each Parish to elect in Vestry a Lay-communicant as Synod's-man. These Synod's-men to attend as the clergy do at Elections, and elect Two of their own Body from each Archdeaconry . . .	140
	<hr/>
	325

"The Clergy and Laity will thus be partly official, partly elected. They will meet and deliberate together; but either Order shall have the right to vote separately: and no measure shall be sent up to the House of Bishops, which has not a clear majority of both Orders in its favour.

"The House of Bishops will of course remain distinct, and have the power of originating any measure, and a veto on all measures.

"Some such plan as this would be quite consistent with the primitive rule of Episcopacy, and with the first model of Ecclesiastical Councils in Acts xv.

"The number of Laity in the lower House will slightly exceed the number of Clergy; but this will be immaterial, as long as the Orders have the power of voting separately.

"I would add that the Lay Synod's-men, proposed to be appointed by each Parish, should be constituted, by their election, members of the *Diocesan Synods* of each Diocese, should the Diocesan think fit to summon such a Synod.

"And perhaps it should be distinctly added, that I should propose that the Sovereign's License should, as it does now, define and limit the subjects to be brought before Convocation; so that the Royal Supremacy would be strictly guarded from any possible diminution."

To these proposals, in reply to some difficulties that were felt by others, the author has appended the following explanations:—

1. "The Vestries are the existing legal bodies, with which the choice must rest. Nothing will be worse than beginning with a disqualification of electors.

2. "They are to elect communicants. 'How is that to be ascertained?' you ask. I do not see the difficulty of ascertaining it. They should be perhaps of a year's standing at least.

3. "Points of doctrine" are scarcely to be thought of, unless any body proposes to abolish the Creeds. You say you want "security for keeping them to the upper House." Why are they to be kept to the upper House? *Quod omnes tangit, ab omnibus tractari debet.* There is a check at each step: nothing without the Laity; nothing without the Presbyters; nothing without the Bishops. This is the system of Ignatius and Cyprian; and what more can be required?

"The Lower House is made no more "powerful" by consisting of many or few, as long as the Bishops have a *veto* on every thing.

4. "The relations between the Synod and Parliament," will be the same as the relations between the Parliament and

any other body. If Parliament thwart and oppose it, there is no help but patience.

5. " 'The mode of bringing about the change ' will be for Queen Victoria to give her License to the Convocation to deliberate and consider the plan proposed : and after Convocation has determined, it will be seen whether an Act of Parliament will be wanted."

These replies may serve to indicate some points in which every scheme of this description will need to be carefully considered. Whether or not Archdeacon Churton has in all respects satisfactorily surmounted the difficulties, is a question on which few will desire to precipitate a decision. None can feel more deeply the indispensable need of the co-operation of the laity than they who desire the due synodal regulation of their own responsibility as clergymen. The admission of the laity is by no means a new suggestion in the history of Convocation. Dr. Wake makes the following profession :—

"I am well content that not only our presbyters should be admitted to the share which they have in our present Provincial Synods, but were our *archdeacons* no more now than what their name imports, and what at the beginning they were ; nay, were not only some few of the *laity* capacitated to be chosen members of them, but should many more be received than have ever yet been elected into them, it would be no more offence to me than it is to read of their being present at the Synod of Jerusalem, and in several other of the most early Councils of the Church." ¹⁵

To some it may appear that the experiment might well be tried in the first instance in Diocesan or Archidiaconal Synods. In the latter the parishes are already represented by two Churchwardens. If the archdeacons at their visitations would substitute for their

¹⁵ State, &c., p. 118.

Charges, a series of well-considered questions to be debated by the assembled clergy and laity, with the express object of eliciting the most feasible measures for promoting the incorporation of the laity with the councils and proceedings of the Church, not only Convocation, but every other portion of its system, might derive incalculable advantage.

It were idle to expect in a moment the same agreement in that which is truly "a great organic change," as we have a right to look for upon the old existing Convocations of the Two Provinces. To revive these latter, requires only the removal of prejudice and misrepresentation. The other is a novelty, to which the minds of men have been too recently directed to admit of an immediate determination. Neither America nor the Colonies can furnish a just parallel with the case of a Church, where the lay representation has, from time immemorial, been exercised along with the political in parliament. It is by no means easy to draw the line between the powers which belong to the people as churchmen, and should therefore be transferred to the lay representation in Synod, and those which will remain with the legislature as trustees of the nation. Neither parliament nor the ministers of the Crown will very readily admit of an independent power, which, by adding the voice of the laity to that of the clergy, would seem to deprive the first of its authority in ecclesiastical affairs, and menace with investigation those mystic recesses, in whose "dim religious light" the royal prerogative has been so long invoked.

Questions, too, will arise concerning the union of Church and State, when the former shall be enabled to pass ordinances binding upon all her mem-

bers as a religious community, which may nevertheless not be (as her laws are at present) the laws of the land. Finally, the clergy themselves, though entertaining no distrust of the *genuine* laity of the Church, must look with anxiety to the arrangements which are to protect their Synods from the intrusion of a very different class, in some places perhaps more easily elected, and more dangerous when elected, than the House of Commons itself.

All these are points which demand much and careful consideration. They cannot be entered upon with any prospect of a satisfactory settlement, except in the existing Convocations. The clergy must first understand each other, and re-establish relations with the bishops, before it would be feasible to associate them with the laity. Any attempt to create a new-fangled Synod by Royal Commission, or by Act of Parliament, would immediately arouse the fears and jealousies of the Revolution, and so render union impossible. As matters stand, the laity are represented, though imperfectly, in parliament; the clergy are not represented at all. The one desire a great and just, but somewhat indefinite, novelty, the other demand their legal constitutional right;—obedience to the Queen's Writ and the canonical citations of their ecclesiastical superiors;—truth instead of falsehood;—reality in place of an indecent and almost impious *sham*. It can hardly be doubted which is entitled to the first consideration.

If the confidence which the clergy desire to place in the laity, and the authority they are so anxious to secure for the upper House, are to earn from their brethren and superiors nothing but distrust towards themselves, it is of course impossible that closer inter-

course should do other than increase our discord. But if the present opportunity be taken to perform an act of undeniable justice, by the restoration of rights which were suppressed in the first instance, and have ever since been withheld, *under false pretences*, there is no lack of useful employment for the revived Convocations. In the diversity of doctrinal opinions known to exist on the episcopal Bench, it is highly improbable that any but *practical* reforms would be attempted, while nothing could be carried without the concurrence of the moderate men, and the approval of the Archbishops and the Crown. The many abortive attempts at Church Legislation witnessed of late years in Parliament, may serve to indicate the line that would be taken in the more competent assemblies of the Church, as soon as they had shaken into working order. The increase of the Episcopate; Capitular Reform; Augmentation of poor Benefices; Church Extension; and the improvement of Pastoral relations; are questions of the highest and most urgent necessity. A second class might comprehend the removal of obsolete or unnecessary restrictions on the ministry;—the abolition of temporal penalties in connexion with religious offices;—the simplification and improvement of the Church Discipline Acts;—with a more scriptural, rational way of proceeding in those long standing *opprobria* of our Church—the Ecclesiastical Courts. It would be claiming no more for the clergy than is freely conceded to every class of their countrymen, to suppose that upon subjects so intimately connected with their daily labours, the Convocations of the two Provinces, united or separate, might be expected to devise measures more acceptable to the Crown, the

Church, and the Nation, than any which have yet been suggested.

Here, also, the great question of *National Education*, so little advanced towards a solution by the pamphlets and theories of persons practically unacquainted with Parochial Schools, might ere long receive elucidation from the assembled clergy.

Nor is it too much to expect—under the promised aid of the HOLY GHOST—that when thus associated in well-doing, the clergy would gradually lay aside the divisions which have arisen from the disorganized condition of the Church, and learn to heal the gaping wounds of our Zion.

Then if to such a Synod could be added a genuine representation of the true laity, elected without parish broils, and acting in harmony with the fixed principles of an episcopal communion, this Church would again become the bulwark of the Reformation; and from the seat of the Anglican Religion display a leading star, not only to her own dependencies, but to the Oriental Churches, and the “less perfectly constituted communions” of the Continent of Europe. The friends of Convocation, while they are far from viewing its restoration as a *panacea* for a long and grievous state of disorder, yet perceive in it the ready means for great and necessary Reforms. Without for a moment undervaluing the advantages belonging to the existing Establishment, they are fully sensible of the enormous addition that could be made to the strength and purity of the Church by a sound Synodical action. No arguments they have yet heard will deter them from an object in the pursuit of which they know their strength, and are prepared for sacrifices which the worldly-

minded do not dream of. Such a cause cannot but prevail. The *revival of Convocation is a question only of time*. No private interests can long keep the minds of earnest Churchmen from gravitating to this centre;—while politicians of all shades will ere long extend to ecclesiastical affairs the maxim which in the State is fast supplanting the watchwords of party, “*that nothing is ever politically expedient which is MORALLY WRONG!*”

THE END.



